



COMMITTEE ON HOUSING, LAND UTILIZATION
AND URBAN DEVELOPMENT

COMMITTEE REPORT
NO. HLUUD 083 S-2024

Office of the Sangguniang Panlungsod
Receiving by [Signature]
Date: 7.08.2024

Subject: **AN ORDINANCE AUTHORIZING THE CITY MAYOR, NON. STRIKE B. REVILLA THROUGH THE OFFICE OF THE CITY LEGAL SERVICE TO INITIATE AND FILE EXPROPRIATION PROCEEDINGS OVER THE 1,132 SQM PORTION OF TCT NO. 1278707 UNDER THE NAME OF VAA BUILDERS CORP, AND THE 3,874 SQM PORTION OF TCT NO. 167-20180000559 UNDER THE NAME OF JGHM 5386A REALTY. CORP FOR THE ESTABLISHMENT OF A ROAD RIGHT OF WAY AND THE CONSTRUCTION OF A PUBLIC ROAD. (PCO 2024-192. dated 08 July 2024)**

Acting on the proposed ordinance authorizing the City Mayor, through the Office of the City Legal Services (OCLS), to initiate and file expropriation proceedings over the 1,132 sqm portion of TCT No. 1278707 under the name of VAA Builders Corp. and the 3874 sqm portion of TCT No. 167-20180000559 under the name of JGHM 538A Realty Corp. during the 98th Regular Session dated 08 July 2024, the committee chair on housing, land utilization, and urban development, Hon. Alde Joselito F. Pagulayan, reports that:

The Department of Transportation (DOTr) has announced plans to construct an LRT Line 1 station in Barangay Niog III. This development is expected to significantly increase traffic volume in the area and its neighboring barangays. The City Government of Bacoor has identified the need for a new road to serve as an alternative route for commuters from Aguinaldo Highway to the proposed LRT Niog Station. The absence of such a road would lead to increased congestion at the intersection of Aguinaldo Highway and Bacoor Boulevard, a critical ingress and egress point for Cavite and Las Piñas.

FINDINGS:

It is clearly shown that the proposed new road will traverse land parcels located in Barangay Niog III, registered under the names of VAA Builders Inc. and JGHM 5386A Realty Inc. Despite attempts to negotiate the purchase of these properties, the owners have not responded to the City Government's offers.

The enactment of this proposed ordinance is crucial for the successful implementation of infrastructure improvements in Bacoor, addressing the anticipated traffic challenges, and ensuring the efficient operation of the forthcoming LRT Line 1 station. Your prompt attention and favorable action on this matter are earnestly requested.





RECOMMENDATION:

Upon further evaluation, the committee recommends the **APPROVAL** of a city ordinance authorizing the City Mayor to initiate and file expropriation proceedings against the aforementioned property owners. This legal action is necessary to acquire the land required for the road right of way and public road construction, thereby alleviating traffic congestion and facilitating smoother commuter access to the LRT Niog Station.

WE HEREBY CERTIFY that the contents of the foregoing report are true and correct.

Signed this 08th day of July 2024 at the City of Bacoor, Cavite.

Committee on Housing, Land Utilization and Urban Development


COUN. ALDE JOSELITO F. PAGULAYAN
Chairman


COUN. ADRELITO G. GAWARAN
Vice Chairman


COUN. SIMPLICIO G. DOMINGUEZ
Member


COUN. ALEJANDRO F. GUTIERREZ
Member





**COMMITTEE ON HOUSING, LAND UTILIZATION
AND URBAN DEVELOPMENT**

Office of the Sangguniang Panlungsod
Received by: [Signature]
Date: 7-08-2024
Time: 7:08 pm

**EXCERPT FROM THE MINUTES OF THE 98TH REGULAR SESSION
NO. HLUUD 083 S-2024**

Subject: **AN ORDINANCE AUTHORIZING THE CITY MAYOR, NON. STRIKE B. REVILLA THROUGH THE OFFICE OF THE CITY LEGAL SERVICE TO INITIATE AND FILE EXPROPRIATION PROCEEDINGS OVER THE 1,132 SQM PORTION OF TCT NO. 1278707 UNDER THE NAME OF VAA BUILDERS CORP, AND THE 3,874 SQM PORTION OF TCT NO. 167-20180000559 UNDER THE NAME OF JGHM 5386A REALTY. CORP FOR THE ESTABLISHMENT OF A ROAD RIGHT OF WAY AND THE CONSTRUCTION OF A PUBLIC ROAD. (PCO 2024-192-A dated 08 July 2024)**


The President Pro-Tempore presided over the 98th Regular Session of the 5th Sangguniang Panlungsod, dated 08 July 2024. The internal rules were suspended upon the motion of Hon. Alejandro F. Gutierrez, which received unanimous approval from the members through a show of hands.

Hon. Alde Joselito F. Pagulayan subsequently proposed approval of the ordinance authorizing the City Mayor thru the office of the City Legal Services (OCLS), to initiate and file expropriation proceedings against the property owners. Because of that, legal action is necessary to acquire the land required for the road right way and public road construction, thereby alleviating traffic congestion and facilitating smoother commuter access to LRT Niog Station. The councils seconded the proposal unanimously, and the acting chair declared the motion APPROVED.

Prepared By:


PETER ADRIAN F. BORJA
Local Legislative Staff I

Attested By:


COUN. ALDE JOSELITO F. PAGULAYAN
Chairman
Committee on Housing, Land
Utilization and Urban Development





Republic of the Philippines
Province of Cavite
CITY OF BACOOR
Office of the City Mayor



Seal of
Good
Local
Governance
2023 Awardee
7 YEARS IN A ROW

04 July 2024

HON. KAREN SARINO-EVARISTO

Acting Vice Mayor
Sangguniang Panlungsod
City Government of Bacoor

SUBJECT: REQUEST FOR A CITY ORDINANCE AUTHORIZING THE CITY MAYOR – HON. STRIKE B. REVILLA THROUGH THE OFFICE OF THE CITY LEGAL SERVICE TO INITIATE AND FILE EXPROPRIATION PROCEEDINGS OVER THE 1,132 SQM PORTION OF TCT NO. 1278707 UNDER THE NAME OF VAA BUILDERS CORP, AND THE 3,874 SQM PORTION OF TCT NO. 167-20180000559 UNDER THE NAME OF JGHM 5386A REALTY CORP FOR THE ESTABLISHMENT OF A ROAD RIGHT OF WAY AND THE CONSTRUCTION OF A PUBLIC ROAD.

Dear Hon. Sarino-Evaristo,

Greetings of peace!

As you know, the Department of Transportation (DOTr) intends to construct an LRT Line 1 station in the City of Bacoor in Barangay Niog III. This is to formally inform you that the Department of Transportation ("DOTr") will construct an LRT Line 1 station in the City of Bacoor in Barangay Niog, III. In lieu of this project, the volume of traffic in the said area and neighboring barangays is expected to rise with the expected construction and the expected operations of the LRT Line 1 in the City of Bacoor.

The City Government of Bacoor studied the possible solution to this expected increase in the traffic volume. The best solution identified is constructing a new road that may serve as an alternative road for commuters from Aguinaldo Highway going to the proposed LRT Niog Station. Without this road, commuters from south of Bacoor and other parts of Cavite traversing through Aguinaldo Highway would have to go to the intersection of Aguinaldo Highway and Bacoor Boulevard (McDonald's and St. Dominic College of Asia) before traversing back to Bacoor Boulevard. This will cause an increase in the volume of traffic in the said intersection since this intersection is not only the major ingress and egress to Cavite but also to Las Pinas.

The nearest road that may be constructed would traverse those parcels of land located in Barangay Niog III, registered in the names of VAA Builders Inc. and JGHM 5386A Realty Inc. Unfortunately, both private corporations have refused to reply to our offer to buy the properties under their name for the purpose of establishing the alternate road.

As such, the Sangguniang Panlungsod is requested that a City Ordinance authorizing the City Mayor, Hon. Strike B. Revilla, to initiate, file, and proceed with the expropriation case against the aforementioned property owners be ordained.

Thank you.

Very truly yours,

HON. ROWENA BAUTISTA-MENDIOLA
ACTING CITY MAYOR



SCAN ME

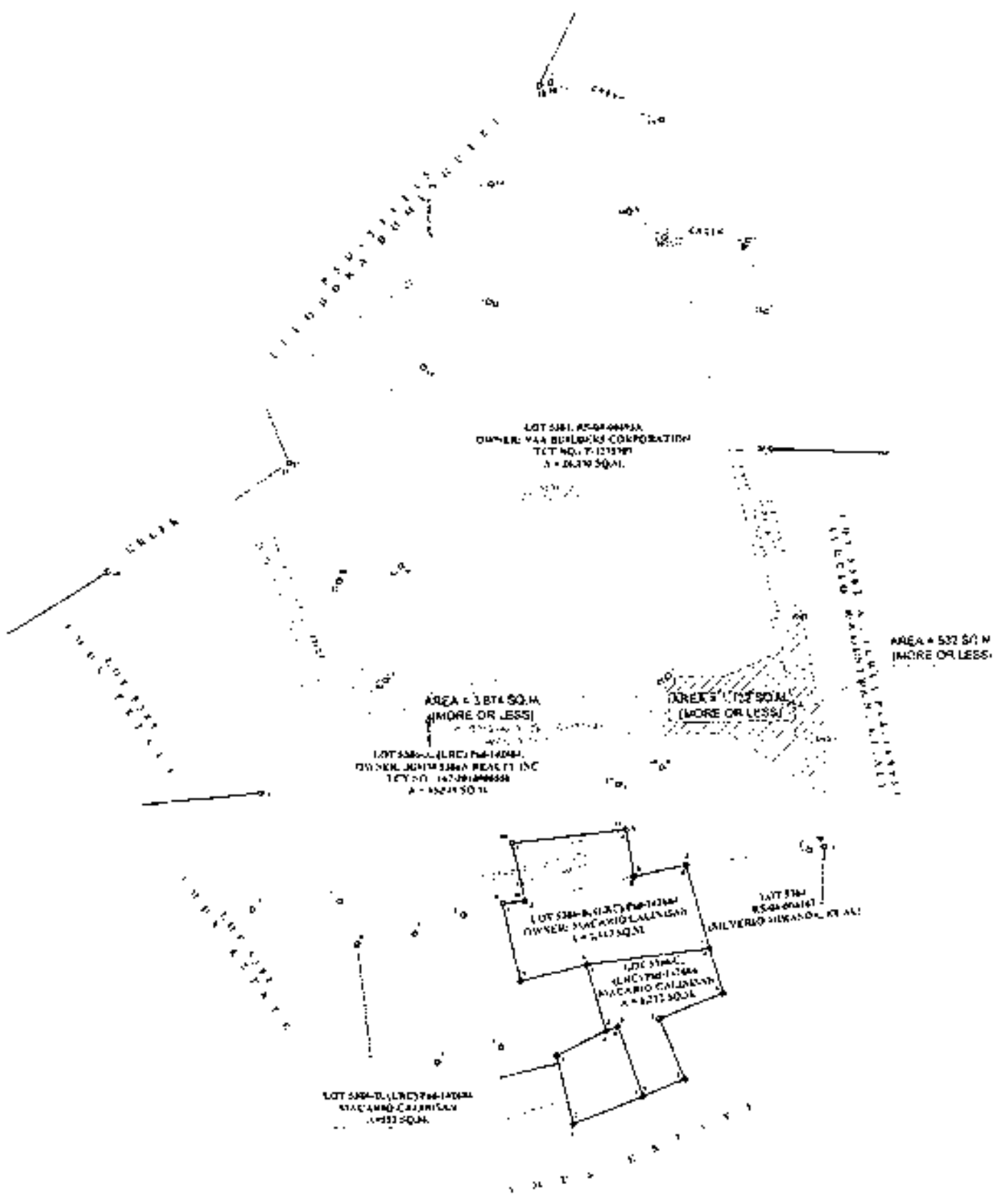
STRIKE
AS!

Address: Bacoor Government Center, Bacoor Road
City of Bacoor, Cavite
Trunkline 434-1111
Website: www.bacoor.gov.ph



0275

0275 2444470



LOT 581, R50000000
 OWNER: YAA BURLUCKS CORPORATION
 TCT NO. T-121391
 A = 26.19 SQ.M.

AREA = 3.874 SQ.M.
 (MORE OR LESS)

LOT 580-L (LRC) P66-14084
 OWNER: JOHN M. SHERA REALTY INC
 TCT NO. 147091800000
 A = 102.15 SQ.M.

AREA = 1.102 SQ.M.
 (MORE OR LESS)

AREA = 532.50 M.
 (MORE OR LESS)

LOT 580-B (LRC) P66-14084
 OWNER: MACARIO CALLESAN
 A = 24.77 SQ.M.

LOT 580-C
 (LRC) P66-14084
 MACARIO CALLESAN
 A = 22.72 SQ.M.

LOT 580
 R50000000
 SILVERIO HERASOL, ET AL

LOT 580-D (LRC) P66-14084
 MACARIO CALLESAN
 A = 22.50 SQ.M.

LOT 580-E

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF JUSTICE
Land Registration Authority
QUEZON CITY

Registry of Deeds for Province of Cavite, Bacoor City Branch

Transfer Certificate of Title

No. 167-2018000559

IT IS HEREBY CERTIFIED that certain land situated in BARRIO OF NIOG, MUN. OF BACCOOR, PROV. OF CAVITE, bounded and described as follows:
A PARCEL OF LAND (LOT 5386-A OF THE SUBD., PLAN (LRC) PSD-142684, BEING A PORTION OF LOT 5386, IMUS ESTATE, LRC REC. NO. 8843), SITUATED IN THE BARRIO OF NIOG, MUN. OF BACCOOR, PROV. OF CAVITE, BOUNDED ON THE NW. PTS. 10 TO 11 BY A CREEK; ON THE NE. PTS. 11 TO 18 BY LOT 5381, (Continued on next page)

is registered in accordance with the provision of the Property Registration Decree in the name of

Owner: JGHM 5386A REALTY INC.

Address: LOTS 285A1&2 E. AGUINALDO HIGHWAY, TALABA VII, BACCOOR CITY, CAVITE

as owner thereof in fee simple, subject to such of the encumbrances mentioned in Section 44 of said Decree as may be subsisting.

IT IS FURTHER CERTIFIED that said land was originally registered as follows:

Case No.:	Record No. : 8843
Orig. Reg. Date: 01 27 1921	Decree No. : 101200
Original RD: PROVINCE OF CAVITE	OCT No. : OCT-1002
Volume No. : A-6	Page No. : 232
Original Owner:	

This certificate is a transfer from TRANSFER CERTIFICATE OF TITLE 0000299 (TOTALLY CANCELLED) by virtue hereof in so far as the above-described land is concerned.

Entered at Province of Cavite, Bacoor City Branch, Philippines on the 22nd day of JANUARY 2018 at 08:52am.

DOMINIC B. ROBOSA
Deputy Register of Deeds

TCT No.: 167-2018003559

Page No.: 2

TECHNICAL DESCRIPTION (Continued from page 1)

(IMUS ESTATE) ON THE SE. PTS. 18 TO 20 AND 20 TO 1 BY LOT 5386-B OF THE SUBD. PLAN; PTS. 1 TO 6 BY LOT 5385, IMUS ESTATE; ON THE SW. PTS. 6 TO 9 BY LOT 5391, AND PTS. 9 TO 10 BY LOT 5387, BOTH OF IMUS ESTATE. BEGINNING AT A POINT MARKED 1 ON PLAN BEING N. 62 DEG. 34'W. 324.45 M. FROM MON. 126, IMUS ESTATE; THENCE S. 74 DEG. 40'W. 14.00 M. TO PT. 2; THENCE S. 15 DEG. 24'E. 47.80 M. TO PT. 3; THENCE S. 77 DEG. 20'W. 22.30 M. TO PT. 4; THENCE N. 9 DEG. 15'W. 45.40 M. TO PT. 5; THENCE S. 19 DEG. 32'W. 15.50 M. TO PT. 6; THENCE S. 79 DEG. 32'W. 15.80 M. TO PT. 7; THENCE S. 84 DEG. 32'W. 29.40 M. TO PT. 8; THENCE N. 4 DEG. 20'E. 39.70 M. TO PT. 9; THENCE N. 33 DEG. 34'W. 92.10 M. TO PT. 10; THENCE N. 48 DEG. 32'E. 71.60 M. TO PT. 11; THENCE S. 22 DEG. 05'E. 44.10 M. TO PT. 12; THENCE N. 76 DEG. 29'E. 21.40 M. TO PT. 13; THENCE S. 8 DEG. 02'W. 39.40 M. TO PT. 14; THENCE N. 89 DEG. 24'E. 95.60 M. TO PT. 15; THENCE S. 4 DEG. 09'W. 31.80 M. TO POINT 16; THENCE S. 68 DEG. 00'W. 15.70 M. TO PT. 17; THENCE S. 9 DEG. 12'E. 15.57 M. TO PT. 18; THENCE S. 63 DEG. 45'W. 38.89 M. TO PT. 19. THENCE S. 83 DEG. 45'W. 38.89 M. TO PT. THENCE S. 12 DEG. 25'E. 20.42 M. TO PT. 20; THENCE S. 83 DEG. 07'W. 7.59 M. TO THE POINT OF BEGINNING; CONTAINING AN AREA OF FIFTEEN THOUSAND FIVE HUNDRED FORTY NINE (15,549) SQUARE METERS, MORE OR LESS. ALL POINTS REFERRED TO ARE INDICATED ON THE PLAN AND ARE MARKED ON THE GROUND AS FOLLOWS: POINTS 18 TO 20 BY PS, AND THE REST BY OLD PLS, ALL CYL. CONC. MONS. 15 X 60 CMS., BEARINGS TRUE; DATE OF ORIGINAL SURVEY, JULY 27, 1905 - JUNE 11, 1908, AND THE SUBDIVISION SURVEY, WAS EXECUTED BY MELENCIO A. SIMONDAC, GEODETIC ENGINEER, ON MAY 26, 1971.

TCT No. 167-2018000539

Page No.: 3

MEMORANDUM OF ENCUMBRANCES

... SUBJECT TO THE RIGHTS OF ANY OTHER LEGAL HEIR OR CLAIMS OF ANY CREDITOR OF THE DECEASED SPOUSES MACARIO KALINISAN AND BRIGIDA CUEVAS, SHOULD THERE BE ANY WITHIN THE PERIOD OF TWO (2) YEARS AS PROVIDED BY LAW.

(SGD) MILAGROS S. SANTIAGO
REGISTER OF DEEDS

... PURSUANT TO SECTION 7, OF REP. ACT NO. 26, THIS CERTIFICATE OF TITLE THE ORIGINAL OF WHICH HAS BEEN ADMINISTRATIVELY RECONSTITUTED IS WITHOUT PREJUDICE TO ANY PARTY WHOSE RIGHT OVER THE PROPERTY WAS DULY NOTED ON SAID ORIGINAL COPY DURING THE TIME IT WAS LOST OR DESTROYED, BUT NOTATION OF WHICH HAS BEEN MADE ON THE RECONSTITUTED TITLE.
CAVITE CITY: JULY 27, 1962

(SGD) A. DELA CRUZ
REGISTER OF DEEDS

... ENTRY NO. 19106 - ROAD RIGHT OF WAY AGREEMENT - IN FAVOR OF COMMONWEALTH OF THE PHILIPPINES - COVERING A PORTION OF 333.30 SQ.M. OF THE LAND DESCRIBED IN THIS CERTIFICATE OF TITLE, BY VIRTUE OF THE ROAD RIGHT OF WAY AGREEMENT EXECUTED BEFORE THE NOTARY PUBLIC FOR THE PROV. OF CAVITE, MR. JOSE S. CAMPOS (DOC. NO. 135; PAGE NO. 53; BOOK NO. IV; SERIES OF 1938), COPY IS ON FILE IN THIS REGISTRY.
DATE OF INSTRUMENT - SEPT. 8, 1937
DATE OF ENSCRIPTION - SEPT. 6, 1938 AT 11:24 A.M.

(SGD) LAMBO S. ESTEBAN
ASST. PROV. FISCAL OF CAVITE

NOTE: THE FOREGOING ANNOTATION OF ROAD RIGHT OF WAY AGREEMENT WAS COPIED FROM T.C.T. NO. RT-9210, ON JUNE 5, 1974 AT CAVITE CITY, AND T.C.T. NO. T-13105; BOOK NO. 489; PAGE NO. 35; AT CAVITE CITY, NOV. 18, 1975.

(SGD) MILAGROS S. SANTIAGO
DEPUTY REGISTER OF DEEDS

... SUBJECT TO THE RIGHTS OF ANY OTHER LEGAL HEIR OR CLAIMS OF ANY CREDITOR OF THE DECEASED PRESENCIA KALINISAN, SHOULD THERE BE ANY WITHIN THE PERIOD OF TWO (2) YEARS AS PROVIDED BY LAW.

(SGD) VICENTE A. GARCIA
REGISTER OF DEEDS

NOTICE : THIS CERTIFICATE OF TITLE ORIGINALLY ON FILE IN THE REGISTRY OF DEEDS FOR PROVINCE OF CAVITE WAS TRANSFERRED TO THE REGISTRY OF DEEDS FOR PROVINCE OF CAVITE, BACOR CITY BRANCH ON MARCH 15, 2018, PURSUANT TO LRA CIRCULAR NO. 30-2017. THE NEW

TCT No.: 167-2018000539

Page No.: 4

TITLE NUMBER FOR THIS TITLE IS TCT NO. 0000259.

(SGD.) DOMINIC B. ROBOSA
DEPUTY REGISTER OF DEEDS

COPIED FROM TCT 0000259

DOMINIC B. ROBOSA
Deputy Register of Deeds

Entry No.: 2018001432

Date: April 27, 2018 10:25:56AM

REAL ESTATE MORTGAGE : IN FAVOR OF BDO UNIBANK INC. FOR THE SUM OF
2HP19,000,000.00, IN ACCORDANCE WITH DOC. NO. 148, PAGE NO. 31,
BOOK NO. XVII, SERIES OF 2018, OF NOTARY PUBLIC OF MANDALUYONG
CITY, ATTY. THELMA A. CESISTA, DATED APRIL 20, 2018.

DOMINIC B. ROBOSA
Deputy Register of Deeds

MEMORANDUM OF ENCUMBRANCES

(This is a summary of the encumbrances of the Government of the United States)

THE LAND OWNER IS REMINDED TO UPGRADE THIS PAPER TITLE TO A COMPUTERIZED TITLE OR TITLE (PREVIOUSLY CALLED DEED) TO ENABLE THE COMPUTERIZATION OF HIS/HER BUSINESS TRANSACTIONS.

THIS IS A CERTIFIED TRUE COPY OF THE GOVERNMENT COPY OF THIS TITLE

Encumbrances of the Government of the United States

Continuation of the Memorandum of Circumstances from Page 17

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THE LAND OWNER IS REMINDED TO UPGRADE THIS PAPER TITLE TO A COMPUTERIZED TITLE OF TITLE (UNEXPLICITLY CALLED ON TITLE TO ENABLE THE COMPUTATION OF HIS/HER REGISTRY TRANSACTIONS.

THIS IS A CERTIFIED TRUE COPY OF THE GOVERNMENT COPY OF THIS TITLE.

Continued on Additional Sheet

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TCT No.: 057-7-1278707

Page No.: 5

MEMORANDUM OF ENCUMBRANCES

Entry No.: 2012045877

Date: October 12, 2012 01:18:17PM

INSCRIPTION OF TO (ANNOTATION) : (COMPLETE TECHNICAL DESCRIPTIONS)
 A PARCEL OF LAND (LOT 5381, IMUS ESTATE AS SHOWN ON THE SURVEY PLAN RS-04-004933, NO. 88431 SITUATED IN THE BARANGAY OF NIOG, MUNICIPALITY OF BACOOD, PROVINCE OF CAVITE, ISLAND OF LUZON, BOUNDED ON THE SE., ALONG LINE 1-2 BY LOT 5385-A (LRC) PSD-20327; ON THE SE. & SW., ALONG LINE 3-4 BY LOT 5386-B-2 (LRC) PSD-306586 (LUCIO KALINISAN, ET ALI; ON THE SW., NW., W., S., NE., SW., ALONG LINES 4-5-6-7-8-9-10-11 BY LOT 5386-A (LRC) PSD-142684 (MACARIO KALINISAN); ON THE W. & NW., ALONG LINES 11-12-13-14-15 BY PSU 211243 (TEODORA DOMINGUEZ); ON THE NW., NE., & E., ALONG LINES 15-16-17-18-19-20-21-22 BY CRSEK (WITH LEGAL EASEMENT, 20.00 M. WIDE); ON THE NE. & E., ALONG LINES 22-23-24-25 BY LOT 5382-A, (LRC) PSD-369959 (LUCIO KALINISAN, ET. ALI; ON THE SE., ALONG LINE 25-1 BY LOT 5384, RS-04-004167 (SILVERIO MIRANDA, ET AL) BEGINNING AT A POINT MARKED "1" ON PLAN BEING N. 29 DEG. 58' E., 495.46 M. FROM MON. NO. 35, IMUS ESTATE. THENCE S. 83 DEG. 26' W., 41.89 M. TO POINT 2; THENCE S. 77 DEG. 07' W., 18.00 M. TO POINT 3; THENCE N. 09 DEG. 12' W., 16.33 M. TO POINT 4; THENCE N. 09 DEG. 12' W., 15.57 M. TO POINT 5; THENCE N. 68 DEG. 00' E., 15.78 M. TO POINT 6; THENCE N. 04 DEG. 09' E., 31.86 M. TO POINT 7; THENCE S. 89 DEG. 24' W., 95.63 M. TO POINT 8; THENCE N. 08 DEG. 32' E., 39.48 M. TO POINT 9; THENCE S. 75 DEG. 29' W., 21.48 M. TO POINT 10; THENCE N. 22 DEG. 05' W., 44.10 M. TO POINT 11; THENCE N. 34 DEG. 28' E., 55.91 M. TO POINT 12; THENCE N. 45 DEG. 16' E., 31.11 M. TO POINT 13; THENCE N. 01 DEG. 26' E., 40.02 M. TO POINT 14; THENCE N. 26 DEG. 30' E., 37.42 M. TO POINT 15; THENCE N. 75 DEG. 28' E., 3.97 M. TO POINT 16; THENCE S. 70 DEG. 21' E., 39.77 M. TO POINT 17; THENCE S. 19 DEG. 51' W., 12.96 M. TO POINT 18; THENCE S. 53 DEG. 40' E., 14.66 M. TO POINT 19; THENCE S. 97 DEG. 35' E., 25.32 M. TO POINT 20; THENCE S. 13 DEG. 42' E., 24.90 M. TO POINT 21; THENCE S. 01 DEG. 45' E., 46.70 M. TO POINT 22; THENCE S. 10 DEG. 37' E., 58.50 M. TO POINT 23; THENCE S. 10 DEG. 05' E., 43.10 M. TO POINT 24; THENCE S. 02 DEG. 00' W., 31.10 M. TO POINT 25; THENCE S. 77 DEG. 56' W., 5.07 M. TO POINT OF BEGINNING, CONTAINING AN AREA OF TWENTY SIX THOUSAND TEN (26,010) SQUARE METERS. POINTS REFERRED TO ARE INDICATED ON THE PLAN AND ARE MARKED ON THE GROUND BY OLD PS CYL CONC. MONS. 15X60 CMS. EXCEPT CORNERS 16, 17, 18, 19, 20 & 31 BY PS CYL CONC. MONS 15X40 CMS. BEARINGS TRUE DATE OF ORIGINAL SURVEY JULY 23 1905 TO JUNE 11, 1908; AND THAT DATE OF THE SUBDIVISION SEPTEMBER 19, 2009, AND WAS APPROVED ON FEBRUARY 8, 2011.

1ST ENDORSEMENT - THAT THE HEREIN ANNOTATED COMPLETE TECHNICAL DESCRIPTION HAS BEEN INSCRIBED BY VIRTUE OF THE 1ST ENDORSEMENT ISSUED BY PORFIRIO R. ENCISA, JR., DIRECTOR, DEPT. OF REGISTRATION AND VERIFIED BY HELEN J. TABABA, CHIEF SUBD. & CONS. DEPT., LRA, COPY ON FILE IN THIS REGISTRY.
 DATE OF INSTRUMENT - SEPT. 13, 2012

Edgar Domingo Santos
 Register of Deeds

THE LAND OWNERS IS REQUESTED TO UPGRADE THIS PAPER TITLE TO A COMPUTERIZED TITLE OR OTHER PROVISIONS CALLED ATTEND TO MAKE THE COMPUTERIZATION OF HIS/HER REGISTRY TRANSACTIONS

THIS IS A CERTIFIED TRUE COPY OF THE GOVERNMENT COPY OF THIS TITLE



Republic of the Philippines
PROVINCE OF CAVITE
CITY OF BACOR



OFFICE OF THE CITY ASSESSOR

ENDORSEMENT NO. 0115-02, SERIES of 2023

OFFICE OF THE CITY ASSESSOR
145/5
7/11/2023

TO : ATTY. AMEE TORREFRANCA-NERI
City Administrator
City of Bacoor, Cavite

RE : APPRAISAL REPORT ON PROPERTIES TO BE UTILIZED AS DIVERSION ROAD IN RELATION
WITH THE UPCOMING LRT PROJECT - CAVITE EXTENSION

DATE : 05 January 2024

Greetings!

In response to your request, I am pleased to provide you with the appraisal report on the properties of the below mentioned properties:

No.	Lot No.	Property Description	Area (sqm)	Market Value	Buyer	Area (sqm)	Market Value	Total Market Value	
1	19-258-0026-01713	LAND	T-1279707	5381	26,000.00	VAA BUILDERS CORPORATION	1,132.00	P 6,580.00	P 7,448,580.00
2	19-228-0029-01708	LAND	167-2018000561	5386-A-PART	15,215.80	KIM SORRE REALTY INC.	3,874.00	P 10,690.00	P 41,413,060.00

The appraisal of the aforementioned properties has been conducted in an offer to buy terms. The market value per square meter for the lot 5381 is P 6,580.00, resulting in a total market value of P 7,448,580.00 and the market value per square meter for the lot 5386-A-PART is P 10,690.00, resulting in a total market value of P 41,413,060.00.

Thank you very much!

Very truly yours,


ENGR. ALLAN C. COMANDACAN, REA 5448, REB, CE, RAMP, EnP
CAO - City Assessor



REPUBLIC OF THE PHILIPPINES
FOURTH JUDICIAL REGION
REGIONAL TRIAL COURT
BRANCH _____
BACOOR CITY

THE CITY GOVERNMENT OF
BACOOR REPRESENTED BY
ITS LOCAL CHIEF CIVIL CASE NO. _____
EXECUTIVE CITY MAYOR FOR: EXPROPRIATION
HON. STRIKE B. REVILLA
Plaintiff

-versus-

V.A. AGUILAR BUILDERS
CORPORATION
REPRESENTED BY _____ AND
JGHM 5386A REALTY INC
REPRESENTED BY _____,
AND ALL PERSONS
CLAIMING RIGHTS UNDER
THEM

Defendants

X-----X

COMPLAINT FOR EXPROPRIATION
WITH A MOTION FOR THE ISSUANCE OF A
WRIT OF POSSESSION *EX PARTE*

THE PARTIES

COMES NOW, the Plaintiff, through the undersigned counsel, and
unto this Honorable Court, most respectfully state that:

1. The Plaintiff herein is the City Government of Bacoor, a local
government unit created by Republic Act No. 10160, whose principal office
address is located at the New Bacoor City Hall, Bacoor Boulevard, Barangay
Bayanan, Province of Cavite;

1.1. The City Mayor – Hon. Strike B. Revilla, is duly authorized
to file this complaint by virtue of City Ordinance No. _____¹ entitled
_____;

2. Defendant is V.A. Aguilar Builders Corp., represented by its
President, Imelda T. Aguilar, a real estate company duly organized under

¹ Attached herewith is City Ordinance No. _____ under ANNEX "A"

Philippine Law with SEC Reg. No. _____, and with principal address at Veraville Bldg., Alabang Zapote Road, Pamplona, Las Pinas City;

2.1. Defendant V.A. Aguilar Builders Corp is the titled owner of a piece of real property located at Barangay Niog III, Bacoor City, under Transfer Certificate of Title No. T-1278707 and Tax Declaration No. 19-238-0026-01713 with a total land area of 26,010 square meters, a portion of which within the area of 1,132 sqm is being expropriated in this case;

3. Defendant **JGHM 5386A Realty Inc**, represented by its _____, _____, is a real estate company duly organized under Philippine Law with SEC Reg. No. _____ and with principal address at CBC Asia Technozone, Emilio Aguinaldo Highway, Bacoor City, Cavite;

3.1. Defendant JGHM 5386A Realty Inc is the titled owner of a piece of real property located at Barangay Niog III, Bacoor City, under Transfer Certificate of Title No. 167-2018000559 and Tax Declaration No. 19-238-0026-01705 with a total land area of 15,215.80 a portion of which within the area of 3,874 sqm is being expropriated in this case;

JURISDICTIONAL FACTS

Requisites for a Valid Expropriation

In the case *Lee v. City of Olongapo (G.R. No. 246201; 07 December 2022) per J. Leonen, Second Division*, citing the case of *Municipality of Paranaque v. V.M. Realty Corp.*, the Supreme Court enumerated the essential requisites before a local government unit can exercise the power of eminent domain. To wit:

“1. An ordinance is enacted by the local legislative council authorizing the local chief executive, (on) behalf of the LGU, to exercise the power of eminent domain or pursue expropriation proceedings over a particular private property.

2. The power of eminent domain is exercised for public use, purpose, or welfare or for the benefit of the poor and the landless.

3. There is payment of just compensation, as required under Section 9, Article III of the Constitution, and other pertinent laws.

4. A valid and definite offer has been previously made to the owner of the property sought to be expropriated, but said the offer was not accepted.”

There is a Valid Expropriation Ordinance

4. On <date>, the Sangguniang Panlungsod ordained City Ordinance No. _____ Series of 2024 entitled an Ordinance Authorizing the City Mayor – Hon. Strike B. Revilla to Initiate and File Expropriation Proceedings Over the 1,132 SQM portion of TCT No. 1278707 under the name of V.A. Aguilar Builders Corp, and the 3,874 sqm portion of TCT No. 167-20180000559 under the name of JGMM 5386A Realty Corp for the Establishment of a Road Right of Way and the Construction of a Public Road;

4.1. Section 2. of the said Ordinance expressly provides for the authority of the City Mayor to file and proceed with this expropriation case;

5. The said Ordinance is duly effected in the following ways:

5.1. By publication on the following dates _____ at _____ as evidenced by the Certificate of Publication issued by the Office of the Sangguniang Panlungsod Secretary; and

5.2. By public posting at _____ on the following dates _____ and evidenced by the Certificate of Posting issued by the Office of the Sangguniang Panlungsod Secretary;

***The Expropiation is for A
Public Purpose and for Public Use***

6. The Department of Transportation (DOTr) will construct an LRT Lane 1 station in the City of Bacoor in Barangay Niog III;

7. Due to this national project, it is foreseen that the volume of traffic in the said area and neighboring barangays is expected to rise due to the expected construction and the subsequent operations of the LRT Line 1 in the City of Bacoor;

8. Upon careful assessment by the City of Bacoor, the solution to the expected increase in traffic volume is the construction of a new road that will serve as an alternative road for commuters traversing the Aguinaldo Highway leading to the proposed LRT Niog Station;

9. Without this proposed new alternative road, commuters from south of Bacoor and other parts of Cavite would have to go to the intersection of Aguinaldo Highway and Bacoor Boulevard (near McDonald's and St. Dominic College of Asia) before traversing back to Bacoor Boulevard. This will definitely cause a significant increase in traffic volume at the intersection. This intersection is a major ingress and egress not only to Cavite but also to Las Pinas City;

10. Even without the construction and the possible traffic build-up due to the proposed LRT Niog Station, the actual and present traffic volume in this particular intersection affects the traffic buildup until the Cavite area;

11. The proposed road shall be constructed shall traverse the parcel of land owned by the Defendants located in Barangay Niog III with the following particular details based on the Appraisal Report issued by the Office of the City Assessor dated 05 January 2024²:

Defendant/Owner	VAA Builders Corporation
Title No.	T-1278707
Tax Declaration No.	19-238-0026-0173
Total Area	26,010.00 SQM
Total Area to be Acquired	1,132.00 SQM
Market Value Per Square Meter	PHP6,580.00
Total Market Value	PHP7,445,560.00

Defendant/Owner	JGHM 5386A REALTY INC
Title No.	167-2018000559
Tax Declaration No.	19-238-0026-01705
Total Area	15,215.80 SQM
Total Area to be Acquired	3,874.00 SQM
Market Value Per Square Meter	PHP 10,690.00
Total Market Value	PHP 41,413,060.00

12. Thus, it is most respectfully submitted that the alternative road that will be established on the properties subject to this expropriation case is of extreme importance and serves a public purpose. All other routes and properties identified by the City are already too far from the proposed Niog Station and may not be able to help ease the expected increase in traffic volume in the area.

13. Article 33 (b) of the Implementing Rules and Regulations of the Local Government Code specifically provides that the power of eminent domain is for public use or public purpose if the same is for the construction or extension of roads, streets, sidewalks, viaducts, bridges, ferries, levees, wharves, and piers;

Payment of Just Compensation

14. The City Government of Bacoor is able and ready to pay for the appraised value of the subject properties to the Defendants in the amount of _____ upon the proper Order of the Honorable Court;

15. Attached herewith is the Certificate of Availability of Funds issued by the City Budget Officer dated _____³ to prove that the City Government of Bacoor has the funds to pay for just compensation over the subject properties;

A Valid and Definite Offer

¹ Endorsement No. 0105 02 s. 2023 dated 05 January 2024 under "Annes _____";

² Attached herewith is the Certificate of Availability of Funds issued by the City Budget Officer dated _____ under "Annes _____";

was Rejected

16. In the case of Defendant V.A. Aguilar Builders Corp Inc., on 04 June 2024, the Office of the City Mayor transmitted a Letter dated 25 March 2024 addressed to V.A. Aguilar Builders Corp Inc.;

17. The Offer to Buy was personally received by one Rey Acover on 04 June 2024 at the place of business of V.A. Aguilar Builders Corp at Veraville Blég. Alabang-Zapote Road, Pamplona, Las Pinas;

18. On _____, another Letter/Reiteration of the Offer to Buy was sent to V.A. Aguilar Builders Corp, Inc. and was received by one _____;

19. On both offers, V.A. Aguilar Builders Corp Inc. refused to formally respond;

20. In the case of Defendant, JGHM 5386A Realty Corp, the Offer to Buy was received by one Joel Gabitan on 04 June 2024 at CBC Asia Technozone, Emilio Aguinaldo Highway, Bacoor City, Cavite;

21. On _____, another Letter/Reiteration of the Offer to Buy was sent to JGHM 5386A Realty Corp. and was received by _____;

22. On both offers, JGHM 5386A Realty Corp. refused to respond;

***Legal Basis For The Filing
Of The Expropriation Case***

23. A local government unit has the power of eminent domain. This power is exercised through the filing of an expropriation proceeding based on Section 19 of the Republic Act 7160 or the Local Government Code. To wit:

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 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.

24. This power is further provided in Section 4 of Republic Act 10160 or the Charter of the City of Bacoor.

Section 4. General Powers. – The City shall have a common seal and may alter the same at pleasure: Provided, That any change of corporate Seal Shall be registered with the Department of the Interior and Local Government (DILG). It shall exercise the powers to levy taxes, fees, and charges; to close and open roads, streets, alleys, parks, or squares; to take, purchase, receive, hold, lease, convey, and dispose of real and personal property for the general interests of the City; to expropriate or condemn private property for public use; to contract and to be contracted with; to sue and be sued; to prosecute and defend to final judgment and execution suits wherein the City is involved or interested in; and to exercise all the powers as are granted to corporations or as hereinafter conferred.*

25. The exercise of the power of eminent domain of Local Government Units under the Local Government Code has the following requisites under Articles 32 and 36, Rule VI of the Implementing Rules and Regulations of the Local Government Code.

ARTICLE 32. When Exercised. — (a) An LGU may, through its chief executive and acting pursuant to an ordinance, 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. (b) 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.

xxx

ARTICLE 36. Expropriation Proceedings. — (a) If the LGU fails to acquire private property for public use, purpose, or welfare through purchase, LGU may expropriate said property through a

* Emphasis and underlining ours.

resolution of the sanggunian authorizing its chief executive to initiate expropriation proceedings.

(b) The local chief executive shall cause the provincial, city, or municipal attorney concerned or, in his absence, the provincial or city prosecutor, to file expropriation proceedings in the proper court in accordance with the Rules of Court and other pertinent laws.

(c) The LGU may immediately take possession of the property upon the 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.

***Allegations In Support Of
The Motion For The Issuance
Of The Writ Of Possession***

26. The City Government of Bacoor has deposited a Check with an amount of XXX that is equivalent to fifteen percent (15%) of the fair market value of the properties based on the current tax declaration of the same.

27. Section 19 of the Local Government Code provides that the local government unit may immediately take possession of the property upon the 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 sought to be expropriated.

28. Likewise, Article 36 (c), Rule VI of the Implementing Rules and Regulations provides that the LGU may immediately take possession of the property upon the 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 sought to be expropriated.

29. There are only two (2) requirements for issuing a writ of possession in relation to the exercise of eminent domain of a local government unit, according to the Supreme Court in the case of *Municipality of Cordova v. Pathfinder Development Corporation*³.

³ *Municipality of Cordova, Province of Cebu v. Pathfinder Development Corporation*, G.R. No. 205541, 29 June 2016

“However, no hearing is actually required for the issuance of a writ of possession, which demands only two requirements: (a) the sufficiency in form and substance of the complaint, and (b) the required provisional deposit. The sufficiency in form and substance of the complaint for expropriation can be determined by merely examining the allegations of the complaint.”

30. In the same case, the Supreme Court further explained that the issuance of the writ of possession is a ministerial duty of the court.

“The requisites for authorizing immediate entry are the filing of a complaint for expropriation sufficient in form and substance and the deposit of the amount equivalent to fifteen percent (15%) of the fair market value of the property to be expropriated based on its current tax declaration. Upon compliance with these requirements, the petitioner in an expropriation case is entitled to a writ of possession as a matter of right¹³, and the issuance of the writ becomes ministerial.”

31. All the requirements for the issuance of an *ex parte* writ of possession are present herein.

31.1. First, it is respectfully submitted that this complaint for expropriation is sufficient in form and substance, as exhaustively explained previously. The allegations in this complaint sufficiently show that the portions of the real properties sought to be expropriated are for a public purpose – the establishment of an alternate public road;

31.2. Second, the required provisional deposit is embodied in Check No. XXX in the amount of XXX, which is equivalent to fifteen percent (15%) of the fair market value of the property to be expropriated based on its current tax declaration.

COMPLIANCE WITH SECTION 6 RULE 7 OF THE RULES OF COURT

32. The following are the witnesses to be presented by the Plaintiff in this case and the purpose of their testimonies.

32.1. **ATTY. AIMEE TORREFRANCA-NERI** – the City Administrator, to testify as to the nature and development of the project and testify that there was no formal or official response made by the Defendants in this case;

- 32.2. **MS. LESLIE DIANNE MORALES** – the head of the Bacoor Traffic Management Department, to testify as to the public purpose requirement of this expropriation and to testify on the traffic data over Emilio Aguinaldo Highway, particularly that area where the LRT Line 1 Niog Station will be constructed and operated and other matters related to this case.
- 32.3. **ENGR. ALLAN QUINATADCAN** – the head of the Office of the City Assessor, to testify on the appraisal report he issued and other matters related to this case;
- 32.4. **ENGR. JICKY JUTBA** - the City Engineer, to testify on the propriety of the proposed road to be established and constructed and on matters related to this case to show that the affected properties are the least prejudicial to the community;
- 32.5. **ENGR. ARTHUR SAN JOSE** – the head of the Zoning and Land Development Department, will testify as to the plan he issued showing the affected properties and the particular areas that will be expropriated on each property.

33. The following are the documentary evidence submitted to this Honorable Court in support of the allegations contained in this Complaint and the Judicial Affidavits of the witnesses.

.....

34. Plaintiff reserves its right to present additional testimonial, documentary, and object evidence during the course of trial as permitted by this Honorable Court;

PRAYER

WHEREFORE, premises considered, Plaintiff most respectfully prayed unto this Honorable Court the following:

1. That this complaint for expropriation be given due course;
2. That the Honorable Court issue the appropriate order and a writ of possession in favor of the plaintiff without the need for a hearing;
3. Other reliefs and remedies just and equitable under the circumstances are likewise prayed for.

City of Bacoor, Province of Cavite. XXX date.

BY:

**THE CITY GOVERNMENT OF BACCOOR
OFFICE OF THE CITY LEGAL SERVICE**

Third Floor, New Bacoor City Hall,
Bacoor Boulevard, Barangay Bayanan
Bacoor City, Province of Cavite
(046)484-44145
clo.bacoor.gov.ph

Copy Furnished:

V.A. Aguilar Builders Corp.
Veraville Bldg., Alabang Zapote Road,
Pamplona, Las Pinas City

JGHM 5386A Realty Inc.
CBC Asia Technozone ,
Emilio Aguinaldo Highway,
Bacoor City, Cavite;

VERIFICATION AND CERTIFICATE OF NON-FORUM SHOPPING

I, **STRIKE B. REVILLA**, Mayor of the City of Bacoor, of legal age, with office address at 3rd Floor, New Bacoor City Hall, Bacoor Government Center, Bacoor Boulevard, Barangay Bayanan, Bacoor City, Cavite, after having been sworn in accordance with the law, hereby depose and state:

1. I represent the City Government of Bacoor as the plaintiff in this case entitled City Government of Bacoor Rep. by Hon. Strike B. Revilla v. VAA Builders Corporation and HGHM 5386A Realty Inc. and all Persons Claiming Rights under Them, docketed as BSC _____, pending before Regional Trial Court Branch _____ of Bacoor City.
2. I have caused the preparation and filing of this Complaint for expropriation in the above-mentioned case and have read the same, the contents of which are true and correct based on my personal knowledge and/or the authentic records at hand, that the foregoing Complaint is not filed to harass, cause unnecessary delay or needlessly increase the cost of litigation, and that the factual allegations contained therein have evidentiary support, or if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
3. I hereby certify that the City Government of Bacoor has not commenced any other action or proceeding involving the same issue in the other labor tribunals, Court of Appeals, the Supreme Court, or different Divisions thereof, or any other tribunal or agency and that to the best of my knowledge, no such action or proceeding is pending in other labor tribunals, the Court of Appeals, the Supreme Court, or different Divisions thereof, or any other tribunal or agency;
4. I further certify that should I, hereafter, learn that a similar action or proceeding, other than the aforementioned cases, has been filed or is pending before other labor tribunals, the Court of Appeals, the Supreme Court, or different Divisions thereof, or other tribunal or agency, we undertake to report such fact within five (5) days thereafter to the appropriate court and/or tribunal.

IN WITNESS WHEREOF, I have hereunto affixed my signature this _____ at _____.

STRIKE B. REVILLA

Affiant

SUBSCRIBED AND SWORN TO before me this _____ affiant exhibiting to me his _____ as competent proof of identification

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