



DISTRICT I

HON. ROWENA BAUTISTA - MENDIOLA
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. VENUS D. DE CASTRO
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

DISTRICT II

HON. APOLONIO ADVINCULA, JR.
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor

HON. HERNANDO C. GUTIERREZ
City Councilor

HON. GAUDENCIO P. NOLASCO
City Councilor

HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor / ABC President

Attested by:

SHIEL M. LAZO
SUP. ADMIN. OFFICER

Certified by:

HON. CATHERINE SARINO-BUARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

CITY ORDINANCE NO. CO 8-2018
Series of 2018

AN ORDINANCE AUTHORIZING THE CITY MAYOR LANI MERCADO REVILLA TO INITIATE THE EXPROPRIATION PROCEEDINGS OVER THE 353,792 SQUARE METERS PARCEL OF LAND REGISTERED TO PILAR FARMS INCORPORATED UNDER TRANSFER CERTIFICATE OF TITLE NO. 989493 FOR THE ESTABLISHMENT OF CIUDAD PAGBABAGO, A SOCIALIZED HOUSING PROJECT OF THE CITY OF BACOOR FOR THE INFORMAL SETTLER FAMILIES LIVING ALONG COASTAL AREAS OF BACOOR BAY AND THE RIVERWAYS OF THIS CITY SUBJECT MATTER OF THE MANILA BAY SUPREME COURT MANDAMUS.

Sponsored by: *Hon. Apolonio Advincula, Jr., Hon. Rowena Bautista-Mendiola, Hon. Miguel N. Bautista, Hon. Venus D. De Castro, Hon. Leandro A. De Leon, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero, Jr., Hon. Alejandro F. Gutierrez, Hon. Hernando C. Gutierrez, Hon. Robert R. Javier, Hon. Gaudencio P. Nolasco, Hon. Reynaldo D. Palabrica and Hon. Michael E. Solis.*

WHEREAS, the Honorable City Mayor Lani Mercado Revilla requested the City Council to pass an Ordinance for the expropriation of about thirty five hectares (35 Ha.) land located in Barangay Molino IV, City of Bacoor currently registered under the name of Pilar Farms Incorporated with TCT No. 989493 and exact land area of 353,792 square meters, and authorizing the City Legal Officer to file eminent domain proceedings in Court;

WHEREAS, the Local Shelter Plan of the City of Bacoor for 2015-2023, adopted under City Ordinance No. 2014-121, declared that in 2015 there are about 21,930 informal settler families (ISFs) in this City and a total of 8,514 of which are living in danger areas, e.g. coastal communities, riversides, creekside, roadways and railroads;

WHEREAS, the City Mayor initiated the community based monitoring system (CBMS) census in cooperation with the Department of Interior and Local Government (DILG) in 2016, and results showed that there are now more than 28,000 ISFs living in danger areas in this City, a drastic increase from the 8,514 figure in 2015;


WHEREAS, the City Mayor sought the assistance of the Office of the President, the HUDCC (Housing and Urban Development Coordinating Council) , and the DILG in addressing this pressing need for the establishment of an IN-City Resettlement Site in Bacoor in order to immediately relocate the ISFs in the coastal bay areas and the riverways tributary to the Manila Bay in response to the Supreme Court continuing




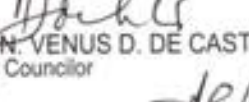
DISTRICT I



 HON. ROWENA BAUTISTA - MENDIOLA
 City Councilor


 HON. MIGUEL N. BAUTISTA
 City Councilor


 HON. EDWIN G. GAWARAN
 City Councilor

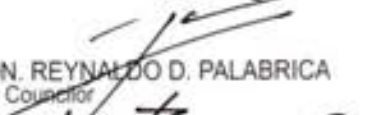

 HON. MICHAEL E. SOLIS
 City Councilor



 HON. VENUS D. DE CASTRO
 City Councilor



 HON. ALEJANDRO F. GUTIERREZ
 City Councilor

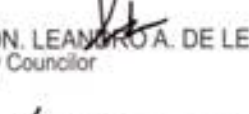
DISTRICT II

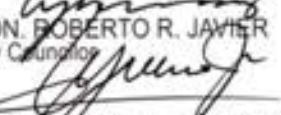

 HON. APOLONIO ADVINCULA, JR.
 City Councilor



 HON. REYNALDO D. PALABRICA
 City Councilor


 HON. HERNANDO C. GUTIERREZ
 City Councilor


 HON. GAUDENCIO P. NOLASCO
 City Councilor


 HON. LEANDRO A. DE LEON
 City Councilor


 HON. ROBERTO R. JAVIER
 City Councilor


 HON. VICTORIO L. GUERRERO, JR.
 City Councilor / ABC President

Attested by:


SHIELAS S. LAZO
SUP. ADMIN. OFFICER

Certified by:


 HON. CATHERINE SARINO-EVARISTO
 City Vice Mayor / Presiding Officer

Approved by:


 HON. LANL MERCADO - REVILLA
 City Mayor

mandamus to save the Manila Bay under G.R. Nos. 171947-48, December 18, 2008;

WHEREAS, the DILG through the ISF Project Management Office offered assistance to this LGU by solicitation of a grant from the government of China in the amount of about Two Billion Pesos, to be dedicated to the construction of housing and other government service institutions in the Bacoor ISF Township project to be called **Ciudad Pagbabago**. The requirement however is for this LGU to provide the land for the project as its counterpart;

WHEREAS, the City Mayor initiated negotiations with several entities, landowners in this City to be able to acquire the much needed land. One of the these entities is the above-mentioned 35-Ha-property for which an Offer to Buy was sent to Pilar Farms, Inc., in the amount of PhP15,920,640.00 which is the amount appearing in the tax declaration as its market value, under T.D. No. 03-0015-76707;

WHEREAS, the offer of the City Mayor was rejected by the registered lot owner stating that the property is already being set aside for a joint venture project. The City Mayor invited the registered lot owner for a meeting several times, for further negotiation leading to a private sale, but the registered lot owner did not attend any of those meetings;

WHEREAS, the City may still acquire this property through the exercise of the power of eminent domain under Section 19 of the Local Government Code of 1991, which provides that:

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 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.



DISTRICT I

HON. ROWENA BAUTISTA - MENDIOLA
 City Councilor

HON. MIGUEL N. BAUTISTA
 City Councilor

HON. EDWIN G. GAWARAN
 City Councilor

HON. MICHAEL E. SOLIS
 City Councilor

HON. VENUS D. DE CASTRO
 City Councilor

HON. ALEJANDRO F. GUTIERREZ
 City Councilor

DISTRICT II

HON. APOLONIO ADVINCULA, JR.
 City Councilor

HON. REYNALDO D. PALABRICA
 City Councilor

HON. HERNANDO C. GUTIERREZ
 City Councilor

HON. GAUDENCIO P. NOLASCO
 City Councilor

HON. LEONARDO A. DE LEON
 City Councilor

HON. ROBERTO R. JAVIER
 City Councilor

HON. VICTORIO L. GUERRERO, JR.
 City Councilor / ABC President

Attested by:

SHIGLA S. MAZON
SUP. ADMIN. OFFICER

Certified by:

HON. CATHERINE SARIN TEVARISTO
 City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
 City Mayor

WHEREFORE, during the regular session assembled, upon motion of Hon. Venus D. De Castro duly seconded by Hon. Reynaldo D. Palabrica, **BE IT ORDAINED , AS IT IS HEREBY ORDAINED** by the Sangguniang Panlungsod in the 12th regular session duly assembled, to authorize the City Mayor Lani Mercado Revilla, through the City Legal Officer Atty. Maria Bernadette Carrasco, to initiate expropriation proceedings over the mor or less 353,892 square meters parcel of land located in Molino IV, City of Bacoor registered under the name of Pilar Farms Incorporated under TCT – 989493, which will be utilized for the purpose of socialized housing, or the construction of an In-City Resettlement site called Ciudad Pagbabago, to be read as follows:

Section 1. TITLE. An Ordinance Authorizing the City Mayor to Initiate the Expropriation Proceedings over the 353,792 square meters parcel of land in Barangay Molino IV, City of Bacoor registered under the name of Pilar Farms Incorporated TCT No 989493 and Tax Declaration No. 03-001576707, intended for CIUDAD PAGBABAGO , an IN-City Resettlement Township Project for the informal settler families living in danger areas in this City.

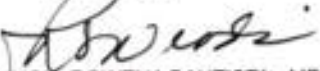
Section 2. SCOPE. Authority is hereby given to the Bacoor City Mayor Honorable Lani Mercado-Revilla to initiate expropriation proceedings over the land owned by Pilar Farms Incorporated with a total land area of 353,792 square meters registered under the Transfer Certificate of Title No. 989493, located in Sitio Malipay I, Molino IV, City of Bacoor, which property is hereby set aside for the purpose of SOCIALIZED HOUSING PROJECT called CIUDAD PAGBABAGO, a township project dedicated to the in-city resettlement of the informal settler families currently located along the coastal areas of Bacoor Bay, portion of the Manila Bay and along the riversides of the Zapote-Bacoor River and Imus River both tributaries of the Manila Bay who are all subject of the Supreme Court Mandamus under G.R Nos. 171947-48 December 18, 2008.

Section 3. BUDGET APPROPRIATION. The amount of Twenty Million Pesos (PhP20,000,000.00) is hereby set aside for the purpose of completion of this expropriation proceedings, inclusive of filing, deposit for issuance of writ of possession and for payment of just compensation equivalent to the market value of the property as appearing in Tax Declaration No. **03-001576707**, which amounts to Fifteen Million Nine Hundred Twenty Thousand Six Hundred and Forty Pesos only (PhP15,920,640.00). This amount may be taken from the twenty per cent (20%) development fund of this City, which budget may be used for the purpose of acquisition of property for the purpose of socialized housing.

Section 4. Filing of Petition for Expropriation. The Head of the Office of City Legal Service (OCLS) Atty. Maria Bernadette



DISTRICT I


 HON. ROWENA BAUTISTA - MENDIOLA
 City Councilor


 HON. MIGUEL N. BAUTISTA
 City Councilor



 HON. EDWIN G. GAWARAN
 City Councilor



 HON. MICHAEL E. SOLIS
 City Councilor

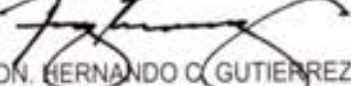

 HON. VENUS D. DE CASTRO
 City Councilor


 HON. ALEJANDRO F. GUTIERREZ
 City Councilor

DISTRICT II



 HON. APOLONIO ADVINCULA, JR.
 City Councilor

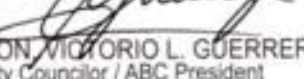

 HON. REYNALDO D. PALABRICA
 City Councilor


 HON. HERNANDO O. GUTIERREZ
 City Councilor


 HON. GAUDENCIO P. NOLASCO
 City Councilor


 HON. LEANDRO A. DE LEON
 City Councilor


 HON. ROBERTO R. JAVIER
 City Councilor


 HON. VICTORIO L. GUERRERO, JR.
 City Councilor / ABC President

Attested by:

Certified by:

HON. CATHERINE SARINO-EVARISTO
 City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
 City Mayor

Carrasco, and the permanent plantilla attorneys of the OCLS are hereby authorized to represent the City in this legal action in accordance with Article VII Section 36 of Republic Act 10160 the City Charter of Bacoor and Section 481 of the Local Government Code of the Philippines R.A. 7160, for the filing of the Complaint for Expropriation before the Regional Trial Court of Bacoor in accordance with Rule 67 of the Rules of Court and other applicable laws and rules.

Section 5. Voluntary Settlement. At anytime during the pendency of the complaint for expropriation, the City Mayor and the City Legal Officer are hereby authorized to enter into compromise agreement with the property owner as to the amount of the just compensation in order to expedite the proceedings, subject to the approval of the Court.

Section 6. No Implementing Rules Required. No Implementing Rules shall be promulgated in relation to this Ordinance. In case the provisions of this Ordinance lacks sufficient parameters to be implemented, or that needs to be clarified as to procedural aspect, the City Mayor is hereby authorized to supply such insufficiency or clarifications through the issuance of an executive order. But if the insufficiency or ambiguity is substantive in character, the City Mayor shall submit its recommendation to the Sangguniang Panlungsod, through the City Legal, for proper amendment by way of an ordinance.

Section 7. Separability Clause. Any provision of this Ordinance found void, invalid or unconstitutional by a court of competent jurisdiction shall not affect the rest of the provisions not affected by the said judicial finding of nullity, invalidity or unconstitutionality.

Section 8 Effectivity. This Ordinance shall take effect immediately.

ORDAINED by Sangguniang Panlungsod of Bacoor, Province, Cavite this 19th day of March 2018.

Certified by:


 HON. CATHERINE S. EVARISTO
 City Vice Mayor/Presiding Officer

Attested by:


 MS. SHIEL A. S. LAZO
 Supervising Admin. Officer

Approved by:


 HON. LANI MERCADO-REVILLA
 City Mayor