



Republic of the Philippines
Province of Cebu
SANGGUNIANG PANLUNGSOD
City of Naga

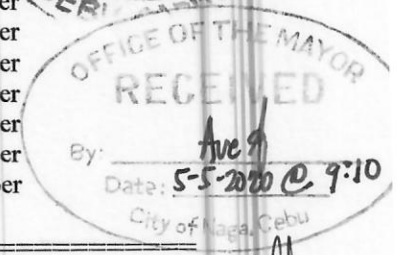


Atong Garbo
36th Session

EXCERPT FROM THE MINUTES OF THE 34TH REGULAR SESSION OF THE 4TH SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON FEBRUARY 24, 2020.

PRESENT:

- | | |
|---------------------------------|--|
| HON. KRISTINE VANESSA T. CHIONG | - Vice Mayor /Presiding Officer |
| HON. VIRGILIO M. CHIONG | - Presiding Officer Pro Tempore |
| HON. JUSTINO L. DAKAY | - Majority Floor Leader |
| HON. SCOTT JUVENAL A. CHIONG | - Assistant Majority Floor Leader/Liga ng mga Barangay President |
| HON. AURELIO B. ALINSONORIN | - Sangguniang Panlungsod Member |
| HON. AFSHIN MARK K. SEÑOR | - Sangguniang Panlungsod Member |
| HON. CHARMAINE R. NAVARRO | - Sangguniang Panlungsod Member |
| HON. PORFERIO V. RESABA, JR. | - Sangguniang Panlungsod Member |
| HON. DOMINADOR A. LIBOR | - Sangguniang Panlungsod Member |
| HON. LUZMINDA R. LAPITAN | - Sangguniang Panlungsod Member |
| HON. LETECIA F. ABANGAN | - Sangguniang Panlungsod Member |
| HON. RAY A. MANABAT | - Sangguniang Panlungsod Member |
| HON. JHUN MARK T. SISMAR | - SK Federation President |



ORDINANCE NO. 2020-14

Hon. Dominador A. Libor - Sponsor
Vice Chairperson, Committee on Laws

APPROVING THE EXPROPRIATION CODE OF THE CITY OF NAGA, CEBU, APPROPRIATING FUNDS THEREOF, AND PROVIDING FOR ITS IMPLEMENTING RULES AND REGULATIONS (IRR)

EXPLANATORY NOTE

By virtue of the power of eminent domain, the state, as sovereign, has the authority to take private property for public use upon observance of due process of law and payment of just compensation. (NPC vs. Court of Appeals, G.R. No. 106804, August 12, 2004).

Section 4 of R.A. 9491 or the Charter of the City of Naga, Cebu authorizes the City Government, as one of its general powers, to expropriate or condemn private property for public use.

Moreover, Section 19 of R.A. 7160, otherwise known as the Local Government Code of 1991 states that "A local government unit, 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."

In view of the foregoing legal premise, the City Government of Naga, Cebu is hereby clothed with the authority to exercise the power of eminent domain covering all personal and real properties, through the enactment of this Ordinance, purposely for public welfare and interest within its territorial jurisdiction.

BE IT ORDAINED, as it is hereby **ORDAINED** by the Sangguniang Panlungsod of the City of Naga, Cebu, in a session duly assembled, that:

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SECTION 1. SHORT TITLE - This Ordinance shall be known as "THE EXPROPRIATION CODE OF THE CITY OF NAGA, CEBU."

SECTION 2. SCOPE AND COVERAGE - The Ordinance shall cover and govern all expropriations made by the City in the exercise of the power of eminent domain on all personal and real property taken by it for the public welfare and interest.

SECTION 3. EXPROPRIATION PROCEDURE -

1. LOCAL DEVELOPMENT COUNCIL (LDC) - The LDC as convened shall recommend to the Office of the City Mayor a list of real properties, in the order of priorities and schedules needed for negotiation and expropriation within a year and/or consistent with the local development plan.

This list shall also indicate a description and size of the property and a justification of its necessity vis-a-vis the development plan of the City. The endorsement shall be in form of a resolution which shall form part of the Appropriation Ordinance to be approved by the City Council.

For this purpose, local development plan includes but not limited to the Annual Investment Plan (AIP) which is in consonance to the three (3)-year Executive and Legislative Agenda (ELA), Comprehensive Development Plan (CDP) and 10-year Comprehensive Land Use Plan (CLUP).

This duly approved plan shall be the basis for the Chief Executive to correspond to the owner or owners for the City to offer to purchase said property or a portion thereof based on the existing LDC resolution as approved.

The offer shall be based on the fair market prevailing plus the actual and consequential damages incurred by the owner. The terms of the negotiated sale and purchase shall be consistent with Commission on Audit (COA) rules and regulations on the matter.

Should negotiation fail, the City shall send its final offer complete with the terms and the proposed price offer taking into consideration the damages suffered by the owner. Should the final offer be unacceptable and/or refused, the Office of the City Mayor through its legal counsel shall initiate expropriation proceedings in the proper court.

2. CITY OF NAGA COUNCIL FOR CULTURE AND THE ARTS - The City of Naga Tourism as convened shall recommend to the Office of the City Mayor the negotiation for donation and/or safekeeping or for acquisition of personal properties with historical and cultural value to the City.

This shall include old household relics, parts of old houses being demolished or turn down, religious artifacts, artworks, and other personal items with cultural and historical value to the City of Naga, Cebu. Expropriation and/or compulsory acquisition of these items shall be subject to existing COA rules and regulations on the matter.

SECTION 4. BUDGETARY SOURCE - The amount needed equivalent to the deposit fees, of at least fifteen percent (15%) of the fair market value of the property and other expenses to initiate and commence the expropriation proceedings as well as the amount to be paid for the property as determined by the Court, shall be sourced from the unexpended portion of the general fund of the City Government.

Should this be in adequate or insufficient the amount needed to pay the property owner/s shall be sourced from savings or any other lawful source.

SECTION 5. OWNERSHIP OF IMPROVEMENTS AND DEVELOPMENTS - Upon entry and lawful taking of the property by the City, any site improvements and/or developments in the subject property shall be the property of the City Government.

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SECTION 6. ISSUANCE OF IMPLEMENTING RULES AND REGULATIONS

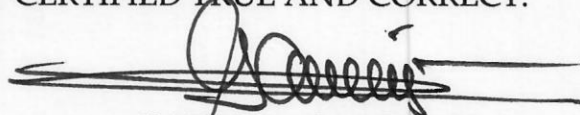
- Within sixty (60) days after the approval of this Code, the Chief Executive shall issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Code. An oversight committee may be convened after the approval of this Code for this purpose.

SECTION 7. EFFECTIVITY - This ordinance shall take effect immediately upon approval.

APPROVED UNANIMOUSLY this 24th day of February 2020 on motion of Hon. Dominador A Libor, seconded by Hon. Porferio V. Resaba, Jr.

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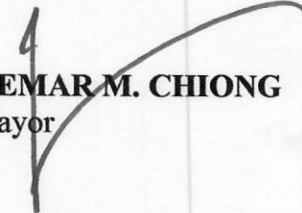
CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


KRISTINE VANESSA T. CHIONG
Vice Mayor / Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor



