



EXCERPT FROM THE MINUTES OF THE 123RD REGULAR SESSION OF THE 4TH SANGGUNIANG PANLUNGSOD (SP) HELD AT SP SESSION HALL, LEGISLATIVE BUILDING, BARANGAY EAST POBLACION, CITY OF NAGA, CEBU ON DECEMBER 10, 2021.

PRESENT:

- | | |
|------------------------------|------------------------------------------------------------------|
| HON. VIRGILIO M. CHIONG | - Vice Mayor /Presiding Officer |
| 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. CLINT ISIDRO A. CHIONG | - Sangguniang Panlungsod Member |
| HON. JHUN MARK T. SISMAR | - SK Federation President |



ORDINANCE NO. 2021-85

Hon. Dominador A. Libor - Sponsor
Chairperson, Committee on Housing and Land Utilization

AUTHORIZING THE HONORABLE CITY MAYOR KRISTINE VANESSA T. CHIONG TO INITIATE THE EXPROPRIATION PROCEEDINGS OVER THE 119 SQUARE METERS OF LOT NO. 31-A-1 COVERED BY TRANSFER CERTIFICATE OF TITLE (TCT) NO. T-20843 IN THE NAME OF PATROCINIO MENDOZA LOCATED IN BARANGAY TUYAN, CITY OF NAGA, CEBU

EXPLANATORY NOTE

On December 17, 2021, this Sanggunian passed Resolution No. 1041-2021 authorizing the Honorable City Mayor Kristine Vanessa T. Chiong to file a case, for and in behalf of the City Government, against Ms. Stella Saldon for setting up a structure (steel gates) across a road lot in Barangay Tuyan, City of Naga, Cebu.

The installation of steel gates has virtually become a roadblock, depriving coastal residents of Purok Bolinao, Sitio Magtalisay and Purok Santan, Sitio Suba, Barangay Tuyan, direct access to the national highway.

Results of the relocation survey show that Cadastral Lot No. 1674, where the barangay road is located, is equivalent to Lot 31-A-1 in the name of Patrocinio T. Mendoza with TCT No. T-20843. Ms. Saldon is one of the heirs of Mr. Mendoza.

Acting on the residents' complaint, the City Government issued notices directing Ms. Saldon to remove the installed structure across the road, which has customarily been used as the most convenient passage to the national highway since time immemorial.

On October 18, 2021, the city issued its final demand enjoining Ms. Saldon to remove the steel gates to no avail, as the latter, in turn, called on the City Government to refrain from taking any action pertaining to the removal of the same.

Moreover, the City Government made an offer to purchase the property with a period of seven (7) days or until November 24, 2021 for Ms. Saldon to make an appropriate response. Unfortunately, no response was made including that of her legal counsel's.

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Since the illegal construction is currently blocking the passageway at the aforementioned area, expropriation of the property with urgent motion for writ of possession is deemed proper in this case pursuant to Section 19 (Eminent Domain) of RA 7160 otherwise known as the Local Government Code of 1991, which provides that:

xxx 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 xxx.

NOW THEREFORE, be it ORDAINED, as it is hereby **ORDAINED** by the Sangguniang Panlungsod of the City of Naga, Cebu that:

SECTION 1. TITLE. - This Ordinance shall be known as "AUTHORIZING THE HONORABLE CITY MAYOR KRISTINE VANESSA T. CHIONG TO INITIATE THE EXPROPRIATION PROCEEDINGS OVER THE 119 SQUARE METERS OF LOT NO. 31-A-1 COVERED BY TRANSFER CERTIFICATE OF TITLE (TCT) NO. T-20843 IN THE NAME OF PATROCINIO MENDOZA LOCATED IN BARANGAY TUYAN, CITY OF NAGA, CEBU.

SECTION 2. PURPOSE. - This Ordinance is for the public purpose of providing an access road from Purok Bolinaw, Sitio Magtalisay and Purok Santan, Sitio Suba, Barangay Tuyan, City of Naga, Cebu, to the national highway.

SECTION 3. SUBJECT. - The subject of this Ordinance is a parcel of land, which constitutes a total of 119 square meters (sq.m.) covering Lot 31-A-1 with TCT No. T-20843 in the name of Patrocinio Mendoza located in Barangay Tuyan, City of Naga, Cebu. Ms. Stella Saldon is one of Mendoza's heirs.

SECTION 4. PURCHASE OFFER. - The City Government made a formal offer to purchase the subject property giving Ms. Saldon, in her capacity as an heir of Mr. Mendoza, seven (7) days or until November 24, 2021 to respond, yet to no avail.

SECTION 5. EXPROPRIATION. - In view of the unyielding stance of Ms. Saldon pertaining to the purchase offer and, likewise, her apparent defiance to the city's directive to remove the "roadblock," the Executive Department of this Local Government Unit has left with no other recourse except to initiate the expropriation proceedings in court.

SECTION 6. ALLOCATION. - The amount of Eight Hundred Thirty-Three Thousand Pesos (Php 833,000.00) representing the total value of the 119-square meter (sq.m.) property at Seven Thousand Pesos (Php 7,000.00 per sq.m.) as per current Bureau of Internal Revenue zonal market value shall be allocated for the expropriation proceedings of the subject road lot.

SECTION 7. SEPARABILITY CLAUSE. - If for any reason, any section or provision of this Ordinance is declared invalid or unconstitutional, other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

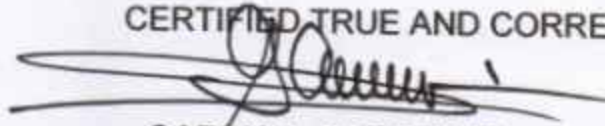
SECTION 8. REPEALING CLAUSE. - Any ordinance or parts thereof inconsistent with this enactment is hereby repealed or amended accordingly.

SECTION 8. EFFECTIVITY. – This Ordinance shall take effect upon approval and compliance with the pertinent requirements as provided for by law.

ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU, in its Regular Session held on 10th day of December 2021.


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CERTIFIED TRUE AND CORRECT:



GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:



VIRGILIO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:



KRISTINE VANESSA T. CHIONG
City Mayor

12/14/21

