



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 16
Series of 2011

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR ROBERT C. EUSEBIO TO NEGOTIATE WITH MS. ESTELLITA UMALY FOR THE ACQUISITION OF ONE THOUSAND ONE HUNDRED FIFTY THREE (1,153) SQUARE METERS LOT INTERIOR OF CARUNCHO AVE., BARANGAY SAN NICOLAS, COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 340182 FOR THE EXPANSION OF SPECIAL CHILDREN EDUCATIONAL INSTITUTION FOR SPECIAL/DISABLED CHILDREN OR EXPROPRIATE THE SAME IS NEGOTIATIONS FAIL.

Authored By: Councilors Reynaldo R. San Buenaventura III, Iyo Christian C. Bernardo, Christian G. Sia, Regino S. Balderrama, Augustin Alexee C. Santiago, Lorna A. Bernardo, Richard C. Eusebio, Rodrigo B. Asilo, Roberto E. Benito, Virgilio I. Del Rosario, Charmie Q. Benavides, LIGA Pres. Ferdinand A. Avis and SK President Julia Nicole B. Pua

WHEREAS, Section 17 (a) (b) (2) (viii) R.A. 7160 provides that local government unit shall likewise exercise such powers and discharge such other functions and responsibilities as are necessary, appropriate or incidental to efficient and effective provision of the basic services and facilities intended primarily to service the needs of the residents of the City and which are funded out of the City funds including but not limited to city roads, bridges and school buildings;

WHEREAS, the City Government of Pasig through its GAD Office endeavors to give special children or children with disabilities special/extraordinary care and education in order to enable them to be better members of society;

WHEREAS, Section 19, R.A. 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 if 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;

NOW, THEREFORE, be it ORDAINED that:

Section 1. The Honorable City Mayor is hereby authorized to negotiate with Ms. Esellita Umalay for the acquisition of One Thousand One Hundred fifty Three (1,153) square meter lot interior of Caruncho Avenue, Barangay San Nicolas, covered by Transfer Certificate of Title No. 340182 for the expansion of Special Children Educational Institution for Special/Disabled Children.

Lorna A. Bernardo

Christian G. Sia



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Section 2. In case negotiations with the owner of the lot fail, the City Mayor is hereby authorized to file expropriation proceedings to acquire and compensate the subject property.

Section 3. The amount to be used for the payment of just compensation shall be taken from the Land Capital Outlay provided in the CY 2011 Budget of the City of Pasig.

APPROVED, this 7th day of July 2011 at Pasig City.

IYO CHRISTIAN C. BERNARDO
Councilor

RICHARD C. EUSEBIO
Councilor

REYNALDO R. SAN BUENAVENTURA III
Councilor

RODRIGO B. ASILO
Councilor

REGINO S. BALDERRAMA
Councilor

REYNALDO F. RAYMUNDO
Councilor

AUGUSTIN ALEXEE C. SANTIAGO
Councilor

ROBERTO E. BENITO
Councilor

LORNA A. BERNARDO
Councilor

CHARMIE Q. BENAVIDES
Councilor

FERDINAND A. AVIS
LIGA President

JULIA NICOLE B. PUA
SK Federation President



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Lana A. Bonavito

CHRISTIAN G. SIA
Councillor
Minority Floor Leader

VIRGILIO T. DEL ROSARIO
Councillor
Majority Floor Leader

Attested by:

ROSALIO D. MARTIRES
City Vice-Mayor
Presiding Officer

APPROVED:

ROBERT C. EUSEBIO
City Mayor

Attested by:

ROBERTO A. BARRETTO
Acting City Council Secretary