



Republic of the Philippines  
**SANGGUNIANG PANLUNGSOD**  
 Pasig City

Ordinance No. 25  
 Series of 2011

AN ORDINANCE AUTHORIZING THE HONORABLE CITY MAYOR ROBERT C. EUSEBIO TO NEGOTIATE AND/OR INITIATE EXPROPRIATION PROCEEDINGS FOR THE ACQUISITION OF A PARCEL OF LAND MEASURING 1,049 SQUARE METERS, MORE OR LESS, LOCATED AT BARANGAY PINAGBUHATAN, PASIG CITY, INVOLVING A PARCEL OF LAND COVERED AND EMBRACED BY OCT NO. 853 REGISTERED IN THE NAME OF "RODOLFO VARGAS, MARRIED TO SONIA DOGILLO ½ SHARE; JOSE ASUNCION, MARRIED TO ROSITA GANTAN ½ SHARE." AND WHICH WAS TAKEN BY THE CITY (THEN MUNICIPALITY) OF PASIG IN 1980 AND USED AS CITY ROAD NOW KNOWN AS ALFONSO SANDOVAL AVENUE.

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

**WHEREAS**, the City of Pasig, represented by its duly-authorized officials, is impressed upon to institute the appropriate expropriation action over the affected parcel of land in the light of the Decision dated 11 November 2008 of the Regional Trial Court, Branch 155, Pasig City, declaring as unconstitutional, and therefore null and void, the subject Ordinance No. 13, Series of 2002 of the Sangguniang Panlungsod of Pasig City, but indicating as "outstanding and proper the recourse to expropriation proceedings" with respect to payment of just compensation for the private property involved, in SCA No. 2849, entitled "Sps. Rodolfo Vargas and Sonia Dogillo Vargas and Sps. Jose and Rosita Asuncion, et. al. vs. the City Government of Pasig City, et. al." which Decision is a final disposition of the "Complaint" "For Declaring The Ordinance No. 13 Series of 2002, Sangguniang Panlungsod of Pasig City and Payment for Use/Expropriation of Real Property filed by the registered owners of the parcel of land covered by Original Certificate No. 853 with an area of One Thousand Forty Nine (1,049) square meters, located at Barangay Pinagbuhatan, Pasig City and which was taken by the City (then Municipality) of Pasig in 1980 and used as municipal road now known as A. Sandoval Avenue, and the dispositive portion of which Decision reads as follows:

"xxx xxx xxx.

"All considered the subject city ordinance invades fundamental personal and property rights and encroaches upon judicial authority. Thus, it is constitutionally infirm and should be declared NULL and VOID.

"However, as to the prayer of herein plaintiffs for just compensation for the property taken from them, the Court finds it inappropriate to proceed with the resolution thereof considering that evidentiary matters are involved therein which are not proper subject of this action. Indeed, the issues of whether or not plaintiffs are entitled to just compensation as well as the appropriate amount thereof are matters that should threshed out in a full-blown trial or through proper reception of evidence in either an expropriation or collection case, as the case may be, and not in a special civil action for declaratory relief. Perforce, the prayer for payment of just compensation must be dismissed without prejudice to the institution of a new proceeding where all the issues involved therein may properly be resolved."

*Handwritten signature: Lorna A. Bernardo*

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

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**WHEREAS**, the aforesaid Decision had become final and executor and the City Government officials concerned have received the request and recognized the claim of the affected property owners for appropriate action on comprehended subject matter and whereas under the pertinent provisions of R.A. 7160 (otherwise known as the Local Government Code), it is incumbent upon the Sangguniang Panlungsod to enact and approve the necessary expropriation ordinance, authorizing the City Mayor to negotiate for the payment of just compensation for the covered property and likewise authorizing the corresponding disbursement of funds;

**NOW THEREFORE, BE IT ORDAINED THAT:**

**Section 1.** The Honorable City Mayor Robert C. Eusebio is hereby authorized to negotiate and/or initiate expropriation proceedings for the acquisition of a parcel of land measuring 1,049 square meters, more or less, located at Barangay Pinagbuhatan, Pasig City, involving a parcel of land, covered and embraced by OCT No. 853 registered in the name "Rodolfo Vargas, married to Sonia Dogillo ½ share; Jose Asuncion, married to Rosita Gantan ½ share", taken for public purpose as municipal road now known as Alfonso Sandoval Avenue.

**Section 2.** The budgetary requirement to implement this ordinance shall be taken from the land capital outlay of the City Budget subject to COA rules and regulations.

**Section 3.** This Ordinance shall take effect upon its approval.

**APPROVED**, this 25<sup>th</sup> day of **August 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



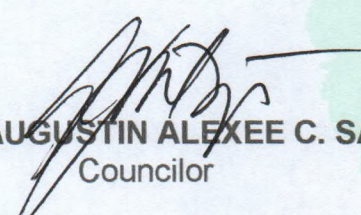


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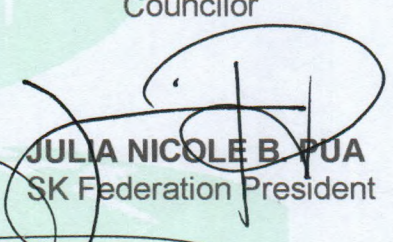
  
**AUGUSTIN ALEXEE C. SANTIAGO**  
Councilor

  
**ROBERTO E. BENITO**  
Councilor

  
**LORNA A. BERNARDO**  
Councilor

**CHARMIE Q. BENAVIDES**  
Councilor

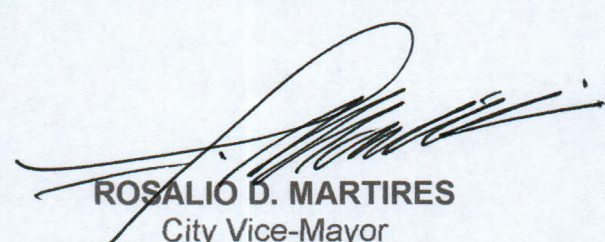
  
**FERDINAND A. AVIS**  
LIGA President

  
**JULIA NICOLE B. PUA**  
SK Federation President

  
**CHRISTIAN G. SIA**  
Councilor  
Minority Floor Leader

  
**VIRGILOT. DEL ROSARIO**  
Councilor  
Majority Floor Leader

Attested by:

  
**ROSALIO D. MARTIRES**  
City Vice-Mayor  
Presiding Officer





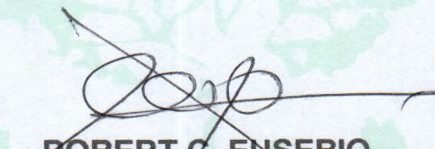
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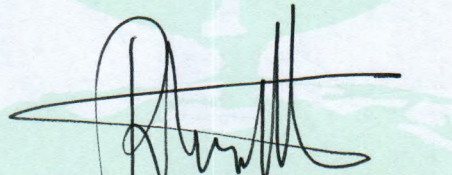
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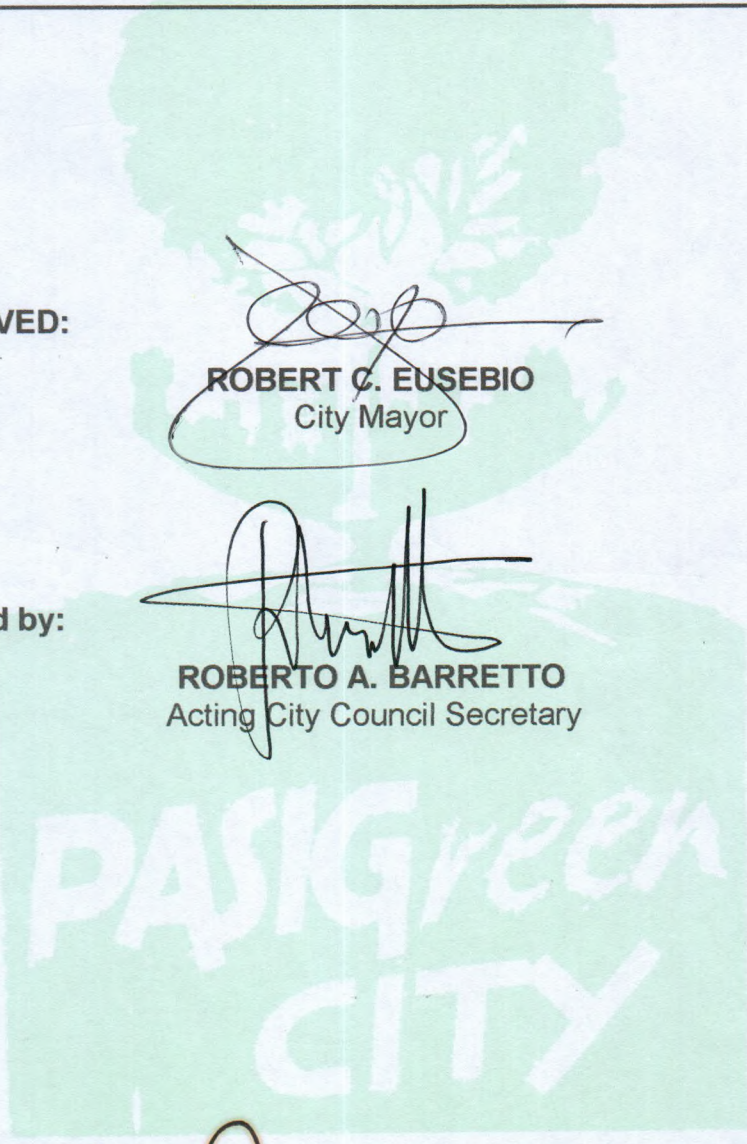
APPROVED:

  
**ROBERT C. EUSEBIO**  
City Mayor

Attested by:

  
**ROBERTO A. BARRETTO**  
Acting City Council Secretary

*Lana C. Barretto*



*for alvarado*

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