



Republic of the Philippines  
BATANGAS CITY

## Office of the Sangguniang Panlungsod

Tel. No. 723-2175

### ORDINANCE NO. 1 S. 2017

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE, TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY CUMBA, BATANGAS CITY FOR DRUG REHABILITATION CENTER PURPOSES

SPONSOR : COUN. ALYSSA RENEE A. CRUZ

**WHEREAS**, Section 19 of the Local Government Code authorizes the local government, through the Chief Executive, to exercise the power of eminent domain by taking private property for public use upon payment of just compensation;

**WHEREAS**, it is necessary for the City Government to take or expropriate the whole or portion of Tax Declaration No. 0040-00204 and Tax Declaration No. 0040-00205 as well as other properties within the vicinity of Barangay Cumba, Batangas City as may be necessary for drug rehabilitation purposes;

**WHEREAS**, it is a condition that before taking of the property may be exercised an amount equivalent to 15% of the fair market value of the property as stated in its current tax declaration be deposited with the proper court;

**WHEREAS**, the taking of the properties and the conversion thereof into rehabilitation center will greatly benefit the public especially the drug dependents seeking rehabilitation;

NOW THEREFORE, the Sangguniang Panlungsod in session duly assembled, ordains and decrees:

**SECTION 1. TITLE.** - This Ordinance shall be called "An Ordinance Authorizing the City Government Through Its Chief Executive to Exercise the Power of Eminent Domain for the Expropriation of Private Properties in Barangay Cumba, Batangas City for Drug Rehabilitation Purposes".

**SECTION 2. EMINENT DOMAIN.** - The City Mayor in the name of the City Government is hereby authorized to exercise the power of eminent domain if necessary and for this purpose to commence and file with the proper court the action for expropriation of the aforementioned properties mentioned in 2<sup>nd</sup> whereas clause and



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Continuation of Ordinance No. 1 S. 2017

AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE, TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY CUMBA, BATANGAS CITY FOR DRUG REHABILITATION CENTER PURPOSES

such other properties as may be necessary for purposes hereinabove stated within the immediate vicinity of Barangay Cumba, Batangas City. The complaint shall join all persons, owning or claiming to own, or occupying, any part of the properties to be expropriated;

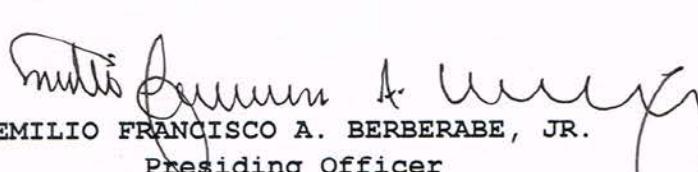
**SECTION 3. APPROPRIATION.** - The amount equivalent to the deposit fees and other expenses to commence the expropriation proceedings as well as the amount to be paid for the properties as determined by the Court shall be appropriated from unexpended portion of the general fund of the City Government or from other lawful sources of the government.

**SECTION 4. EFFECTIVITY.** - This Ordinance shall take effect immediately upon approval by the City Mayor.

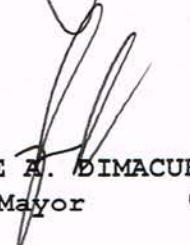
ENACTED by the Sangguniang Panlungsod of Batangas City this 28<sup>th</sup> day of February, 2017.

  
ATTY. OLIVA D. TELEGATOS  
Secretary  
Sangguniang Panlungsod

ATTESTED:

  
EMILIO FRANCISCO A. BERBERABE, JR.  
Presiding Officer

APPROVED:

  
BEVERLEY ROSE A. DIMACUHA  
City Mayor

Date Approved: March 15, 2017

**REPUBLIC OF THE PHILIPPINES  
BATANGAS CITY**

**OFFICE OF THE SANGGUNIANG PANLUNGSOD**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE  
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY  
ON FEBRUARY 28, 2017 AT THE SANGGUNIAN SESSION HALL**

**PRESENT:**

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Aileen Grace A. Montalbo,	Councilor
Hon. Glenn M. Aldover,	"
Hon. Sergie Rex M. Atienza,	"
Hon. Hamilton G. Blanco,	"
Hon. Alyssa Renee A. Cruz,	"
Hon. Oliver Z. Macatangay,	"
Hon. Armando C. Lazarte,	"
Hon. Karlos Emmanuel A. Buted,	"
Hon. Julian B. Villena,	"
Hon. Gerardo A. dela Roca,	"
Hon. Nestor E. Dimacuha,	"
Hon. Nelson J. Chavez,	"
Hon. Angelito "Dondon" A. Dimacuha,	(ABC-Rep.)

"On motion of Councilor Cruz seconded by Councilor Blanco, the following Resolution was Adopted:

**RESOLUTION NO. 47 S. 2017**

**APPROVING THE ORDINANCE AUTHORIZING THE CITY GOVERNMENT  
THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT  
DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY  
CUMBA, BATANGAS CITY AND OTHER PROPERTIES FOR DRUG  
REHABILITATION CENTER PURPOSES" AND EXEMPTING IT FROM  
THE THREE READING RULE**

**RESOLVED**, to approve the "Ordinance Authorizing the City Government Through Its Chief Executive to Exercise the Power of Eminent Domain for the Expropriation of Private Properties in Barangay Cumba, Batangas City and Other Properties for Drug Rehabilitation Center Purposes", and exempting it from the three reading rule.

**UNANIMOUSLY APPROVED."**

Continuation of Resolution No. 47 S. 2017

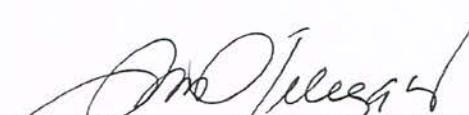
APPROVING THE ORDINANCE AUTHORIZING THE CITY GOVERNMENT  
THROUGH ITS CHIEF EXECUTIVE TO EXERCISE THE POWER OF EMINENT  
DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTIES IN BARANGAY  
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THE THREE READING RULE

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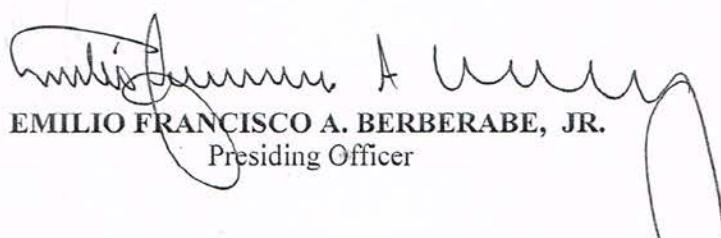
I hereby certify that the foregoing Resolution No. 47 S. 2017 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on February 28, 2017.

  
IVY AUDREY D. TELEGATOS  
Board Secretary III  
Sangguniang Panlungsod

NOTED:

  
ATTY. OLIVA D. TELEGATOS  
Secretary  
Sangguniang Panlungsod

ATTESTED:

  
EMILIO FRANCISCO A. BERBERABE, JR.  
Presiding Officer

ODT/IADT/ytingchuy...



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BATANGAS CITY

## Office of the Sangguniang Panlungsod

Tel. No. 723-2175

### COMMITTEE REPORT

SUBMITTED BY : COMMITTEE ON LAWS, RULES AND REGULATIONS

SUBJECT : AN ORDINANCE AUTHORIZING THE CITY GOVERNMENT THROUGH ITS CHIEF EXECUTIVE, TO EXERCISE THE POWER OF EMINENT DOMAIN FOR THE EXPROPRIATION OF PRIVATE PROPERTY IN BARANGAY CUMBA, BATANGAS CITY AND OTHER PROPERTIES FOR DRUG REHABILITATION CENTER PURPOSES

#### COMMENTS / RECOMMENDATIONS:

Referred to the Committee on Laws, Rules and Regulations is the above request for study, comment and recommendation.

Finding no legal impediment with the subject, and finding that the proposed ordinance is in consonance with law, the Committee recommends:

- (a) the adoption of this Committee Report and
- (b) approval of the Ordinance hereto attached exempting it from the Three-Reading Rule.

Respectfully submitted, February 28, 2017.

### THE COMMITTEE ON LAWS, RULES AND REGULATIONS

COUNCILOR ALYSSA RENEE A. CRUZ

Chairman

COUN. SERGIE REX M. ATIENZA

Member

COUN. GERARDO A. DELA ROCA

Member

COUN. ARMANDO C. LAZARTE

Member

COUN. JULIAN B. VILLENA

Member

REPUBLIC OF THE PHILIPPINES  
BATANGAS CITY

OFFICE OF THE SANGGUNIANG PANLUNGSOD

JOURNAL OF THE COMMITTEE HEARING OF THE COMMITTEE  
ON LAWS, RULES & REGULATIONS WHICH WAS HELD AT THE SESSION  
HALL ON FEBRUARY 23, 2017 AT 12:07 P.M.

**PRESENT:**

Coun. Alyssa Renee A. Cruz	Chairman
Coun. Sergie Rex M Atienza	Member
Coun. Armando C. Lazarte	"
Coun. Julian B. Villena	"
Coun. Gerardo A. dela Roca	"
Coun. Glenn M. Aldover	Councilor
Coun. Aileen Grace A. Montalbo	"
Coun. Oliver Z. Macatangay	"
Coun. Nestor E. Dimacuha	"
Coun. Nelson J. Chavez	"

**PARTIES PRESENT:**

Atty. Teodulfo A. Deguito	City Legal Officer
Brgy. Capt. Victor M. Claveria	Barangay Cumba

X ----- X

Ang pagpupulong ay formal na binuksan ng Kgg. na Tagapangulo Alyssa Cruz sa ganap na 12:07 ng tanghali.

CHAIR: Tayo po ay magsisimula na ng ating committee hearing ngayong umagang ito. Ito po ay iyong sa expropriation po ng lupa sa Barangay Cumba. Ito po ay pangungunahan ng Chairman ng committee on Laws, Rules and Regulations, chaired by yours truly Councilor Alyssa Cruz at narito po ang ating mga myembro, Konsehal Serge Atienza, Konsehal Armando Lazarte, Councilor Julian villena and councilor Gerardo dela Roca. Nandidito pa rin po ang ating mga konsehal, Oliver Macatangay, Aileen Montalbo, Nelson Chavez, Konsehal Boy Dimacuha. Nandidito rin po ang ating mga bisita ngayong tanghaling ito, ang atin pong City Legal Officer, Atty. Teddy Deguito and Pangulo po ng Barangay Cumba, Pangulong Victor Claveria... So, siguro po, Atty. Deguito, para pomabigyan tayo ng linaw tungkol sa request na ito...

ATTY. T. DEGUITO: The government needs a certain piece of property where it will place a rehabilitation center. The rehabilitation center will be put up by the National Government. So, it is a requirement just like in the other projects of the National Government that the City provides the piece of land. So, we have decided to locate where the rehabilitation center would be placed and it was decided that it would be placed in Cumba. So, we decided to give notice to the people in the vicinity, Cumba and other places pero wala ho namang nag-offer. So, we went to Cumba and we decided to look for properties at ang nakita ho naming ay itong kay Pangulong Vic na property at saka ho iyong kay Lucas Ebora at saka ho iyong kay Bernardo Balmes. So, as of now po, I cannot make any offer because of the fact that we do not have any ordinance, Section 19 of the Local Government provides that before we take the property of anybody, we need to have an ordinance authorizing the taking and expropriation of the property. That is why, we come to you.

CHAIR: Any other question? Konsehal Boy Dimacuha...

KAGAWAD N. DIMACUHA: Actually, ako ho ay natutuwa dahil sa mga oras hong ito at sa mga panahon hong ito, wala hong LGU at wala hong Local Chief Executive ng other LGU's na nag-seek ng authority sa Sanggunian to exercise the power of eminent domain, ano ho. At isang maipagmamalaki ho ito ng Pamahalaang Lungsod ng Batangas na sa pamumuno ni Mayor Beverly Rose Abaya Dimacuha ang isang masasabing monumental action, kasi sa panahon ho ay karapatdapat na magtayo ng ganitong uri ng institution lalo na sa mga drug dependent na surrenderees. Now, ang question lang po na nakikita ko na ating pag-uusapan ay iyong just compensation, the adequacy of just compensation. Although provided po dito sa request iyong provisional amount na ibibigay ng government which is 50%, tama po, na iyon ay babayadan na ang advance as down payment para makuha ang property, kung ako ho ay tama... iyon ho ang pang-unawa ko dito, na habang nagkakaroon ho ng court proceedings doon pa ide-determine ng court kung magkano ang ibibigay na kabayaran. So, ang tanong po dito na gusto kong ipaabot sa Chairperson ng committee, saan ho ibabase ang kabayaran o compensation, sa fair market value, sa assessed value

o sa current market value? Iyon lamang po ang tanong.

ATTY. T. DEGUITO: Puwede ho bang sagutin ko?

CHAIR: Proceed Sir...

ATTY. T. DEGUITO: Iyon ho ay laging ang base ho noon ay iyong market value of the property. Atin hong ide-determine ang market value sa ground. So, iyon ho ay doon sa kung saan ho ibabase ay mag-o-offer ho ako doon, we will make an offer. As of now, we have not made an offer to Pangulong Vic, simply because of the fact that we have no data kung magkano sa lugar na iyon, so, we have not made an offer. Isa pa ho, baka ho tumanggi, kaya ho ako ay nag-expropriate. But we have some pieces of land which are possible places kung saan ho puwedeng ilagay iyong rehabilitation center. Iyon hong lupa ni Pangulo for purposes of record, this covered by Tax Declaration No. 0040-00204 in the name of Spes. Victor Claveria & Melba Claveria, with an area of.... dalawa hong pieces of land ito, iyon hong isa ang number ay 0040-00204 at iyong isa ho naman ay 0040-00205 also in the name of Victor Claveria and Melba Claveria, total of about more or less about 2.8 hectares. But there are others, katulad ho noong kay Lucas Ebora property which is covered by Tax Declaration 0040-00305 at iyon yong kay Bernardo Balmes property covered by 0040-00533, so iyon ho ang mga possible pieces of land which we will expropriate kung saka-sakaling ang kailangan ho natin ay malaki-laking lugar na papaglagyan ho ng rehabilitation center dahil alam naman ho ninyo ang rehabilitation center, kailangan ho iyan ay mayroong mga lugar na lalagyan natin ng horticultural facilities para ho iyong mga tao ay nakakapaghikap ho sa loob. Ganun ho, so, we need a large piece of land. Pero sa ngayon ho, wala pa ho kaming offer. We still have to make an ordinance and then after the ordinance has been made, we will make an offer, ganun ho iyon.

KAGAWAD S. ATIENZA: Madam Chair...

CHAIR: Konsehal Atienza...

KAGAWAD S. ATIENZA: Thank you, Madam Chair, tanong

ko lang po in relation doon po sa ating expropriation, ang ilalagay po dito ay rehabilitation center, ito naman po ay nasa ating at alam naman po nating lahat na ito po ay kasama sa ating Annual Investment Plan at napag-usapan na noong deliberation ng Annual Investment Program, tanong ko lang po, ito pong atin po bang ating rehabilitation center, ito po ba ay will this be managed by the City or ito po ay magiging, kasi meron po tayong PPP...

ATTY. T. DEGUITO: Ang alam ko ho ay City ho ito... the rehabilitation center, this will be run by the City Government, but this will be funded, the rehabilitation center itself will be funded by the National Government.

KAGAWAD S. ATIENZA: Nabanggit po ninyo ang classification ng lupa, pagdating po nito sa tamang panahon at magkakaroon na po ng construction, halimbawa po ay tapos na po ang expropriation, nabanggit din po ninyo na ito po ay agricultural, may mga necessary process pa po ba nito, halimbawa po ay magkakaroon pa po ba dito ng conversion?

ATTY. T. DEGUITO: Wala na ho dahil kasi ito ho ay government facility ho, government na ho ito and not for private purposes ho.

KAGAWAD S. ATIENZA: Okay, thank you for that clarification, Attorney. Thank you, Madam Chair.

CHAIR: Any question po? Konsehal Boy...

KAGAWAD N. DIMACUHA: Assuming ho na maging positive po ang magiging response dito ng Sanggunian, nasasabi ko ho iyon kasi, monumental action ho ito. Ngayon, ang kwestyon ho dito, if ever na maibigay dito pa lang ho sa title, and other properties for drug rehabilitation center purposes...

ATTY. T. DEGUITO: Nasabi ko na ho...

KAGAWAD N. DIMACUHA: ang ibig ko lang hong sabihin dito, once granted, is it also the right of the Sanggunian to invoke or cancel the authority assuming na nakuha po natin ito...

ATTY. T. DEGUITO: Ay palagay ko ho ay magkakaproblema na ninyo iyan, kasi the moment you give us an authority to expropriate, we will immediately proceed with the expropriation proceeding, magkakaroon ho kasi kami ng negotiation eh, now if we cannot agree to the price involved, we immediately go to expropriation and that cannot be changed anymore, because that goes to court, ganun ho iyon. Dahil po kasi expropriation proceedings are always filed before the court.

KAGAWAD N. DIMACUHA: Yes, dagdag lang po. Naitanong ko ho iyan, kasi ang purpose ho dito ay para sa pagtatayo ng drug rehabilitation center at sabi nga ho dito, and other properties, ibig sabihin it's very broad, marami itong properties na ito. So, may properties sa bayan...

ATTY. T. DEGUITO: No...

KAGAWAD N. DIMACUHA: A big picture... a whole picture, na nakita ko sa inyo, ang sinasabi dito sa hinihinging power ay masyado hong malawak eh, hindi ho tayo specific kung aling properties. Dito meron na hong nakuha, iyong sa Barangay Cumba, pero iyong title ho, and other properties for drug rehabilitation center, masyado hong big ito...

ATTY. T. DEGUITO: Within the vicinity ho iyon, nakalagay ho doon sa Cumba, iyong other properties ho ay within Cumba, hindi ho kasama diyan outside of Cumba, so, ibig sabihin ho ay iyong within lamang, halimbawa ho ay medyo lalampas tayo sa Cumba ng kaunti, puwede ho iyon, kasi, almost within the... malapit lang doon. Because ang pagkaalam ko ho sa rehabilitation center ay malayo ho sa bayan.

KAGAWAD N. DIMACUHA: Dapat ho kasi ay iyong pagkakasulat ng title ay "and other adjacent properties" nilagyan po niya ng...

ATTY. T. DEGUITO: We agree to the correction...

KAGAWAD S. ATIENZA: Madam Chair...

CHAIR: Konsehal Serge...

KAGAWAD S. ATIENZA: Just for clarification, I think, that is just a cover letter, anyway the specifics are in the ordinance, Madam Chair, just for clarification. Tanong ko lang po, in addition, siguro we are going to, at gagawin naman po ng Sanggunian is to endorse this and to approved this para po magdire-diretso na iyon pong ating target na rehabilitation center, napakarami po ng kinakailangan din po natin at marami po ang sumuko at tanong ko lamang pos a atin pong, I was supposed to ask this question to the Budget Officer, however, alam ko naman po na masasagot ito n gating City Legal, Madam Chair, ito po bang, I remember during our deliberation on the Annual Budget, we have an appropriation there for land acquisition, so if ever, I supposed tayo naman po ay may commitment na po from National Government to finance this project. Are we also confident enough to say that in the event that we approved the expropriation, our Annual budget can accommodate this expropriation.

ATTY. T. DEGUITO: I think so, there is already an appropriation for this amount, iyon ho ang pagka-alam ko. I will just ask the Budget Officer kung magkano, but I understand that there are already appropriation for land acquisition not only for this purposes but for other purposes. I think the appropriation of the City Government for acquisition of land for government purposes would be enough to cover the purchase of this property.

KAGAWAD S. ATIENZA: Thank you for that clarification, Attorney. \* Thank you Madam Chair.

CHAIR: Any questions po? Kung wala na po ay maraming salamat po, siguro po ay hingan natin... may masasabi kaya po ang owner ng ating property. Pangulong Vic...

BRGY. CAPT. V. CLAVERIA: Magandang tanghali po sa inyong lahat, mga Kgg. na Konsehal ng ating Lungsod ng Batangas. Ang masasabi ko lang po naman ay maraming-maraming salamat sa pagkakataon na ibinigay at paanyaya sa akin, sa totoo ho lamang ay hindi ko naman akalain na ako ay makaka-upo sa lugar na are.. Salamat po.

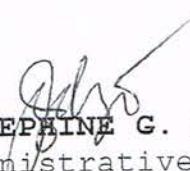
CHAIR: Maraming salamat po sa ating lahat, at pag-aaralan po ng komite itong ating napa-refer sa komite para sa ikagaganda ng Lungsod ng Batangas. Maraming salamat po, at magandang tanghali.

**ADJOURNMENT: 12:25 P.M.**

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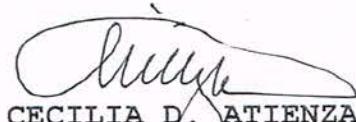
**CERTIFICATION**

I hereby certify that the above transcript are true and correct according to my knowledge, understanding and belief.

  
**JOSEPHINE G. DE OCAMPO**  
Sr. Administrative Assistant I

**CERTIFICATION**

This is to certify that this copy is the Official Transcript of Record of the Committee Hearing Held On February 23, 2017 at 12:07 P.M. at the Sanggunian Panlungsod Session Hall.

  
**CECILIA D. ATIENZA**  
Sr. Administrative Assistant I