



Republic of the Philippines  
**QUEZON CITY COUNCIL**  
Quezon City  
16<sup>th</sup> City Council

82<sup>nd</sup> Regular Session

RESOLUTION NO. SP-**3775**, S-2007  
(PR2007-35)

**A RESOLUTION ACKNOWLEDGING THE RIGHT OF WAY THAT WAS CONCURRENTLY CREATED BY THE RECLASSIFICATION OF ROAD LOT 42 INTO A RESIDENTIAL LOT PURSUANT TO ORDINANCE NO. SP-1658, S-2006.**



*Introduced by Councilors VICTOR V. FERRER, JR., ELIZABETH A. DELARMENTE, BERNADETTE HERRERA-DY, FRANCISCO A. CALALAY, JR., ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, JORGE B. BANAL, JR., DANTE M. DE GUZMAN, ANTONIO E. INTON, JR. and RESTITUTO B. MALAÑGEN.*

*WHEREAS, Ordinance No. SP-1658, S-2006 has reclassified a portion of Road Lot 42, covered by Transfer Certificate of Title No. 262147 in the name of the local government of Quezon City, into "Residential" considering that the same is (1) unconnected to another thoroughfare; and (2) is currently occupied by informal settlers; hence, it could no longer be used such as road lot;*

*WHEREAS, adjacent real estates will be left without adequate outlet as a consequence of the aforesaid conversion of Road Lot 42 which Ordinance No. SP-1658, S-2006 did not envision;*

*WHEREAS, Article 649 of the Civil Code partly provides:*

*ARTICLE 649. The owner or any person who by virtue of a real right may cultivate or use any immovable, which is surrounded by other immovables pertaining to other persons and without adequate outlet to a public highway, is entitled to demand a right of way through the neighboring estates, after payment of the proper indemnity.*

*S*  
 

*WHEREAS, the legislative intent in the enactment of subject ordinance is to afford housing facilities to the informal settlers on Road Lot 42, that it should not result into prejudice to adjacent real estates which would otherwise be left without adequate outlet to public thoroughfares;*

*WHEREAS, the aforesaid right of way, in order to be adequate, must be sufficient for purposes of ingress and egress of vehicles and pedestrians alike, and should be afforded without charge of the real estate which shall benefit therefrom;*

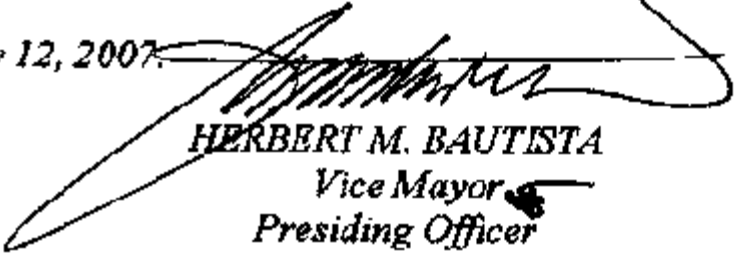
**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF QUIZON CITY IN REGULAR SESSION ASSEMBLED,** to acknowledge, as it does hereby acknowledge, the right of way created in favor of adjacent real estates upon the conversion of Road Lot 42 into a "Residential " lot pursuant to Ordinance No. SP-1658, S-2006.

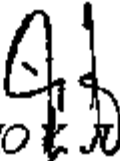
**RESOLVED, FURTHER,** that the said right of way shall be afforded without charge to those affected by subject ordinance.

**RESOLVED, FINALLY,** that the right of way, in order to be adequate, should at least be three (3) meters in width or as wide as the need requires.

**ADOPTED:** February 12, 2007.

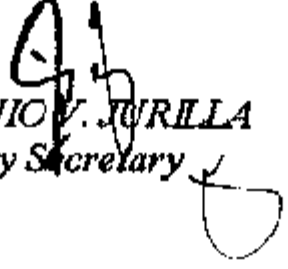
  
**HERBERT M. BAUTISTA**  
Vice Mayor  
Presiding Officer

**ATTESTED:**

  
**EUGENIO V. JURILLA**  
City Secretary

**CERTIFICATION**

This is to certify that this Resolution which was APPROVED on Second Reading on February 12, 2007, was CONFIRMED by the City Council on February 19, 2007.

  
**EUGENIO V. JURILLA**  
City Secretary