



Republic of the Philippines
CITY COUNCIL
Quezon City
15th City Council

PC2004-47

90th Regular Session

RESOLUTION NO. SP **2485** S-2004

A RESOLUTION MANDATING THE CITY MAYOR, HONORABLE FELICIANO R. BELMONTE, JR., TO EXPROPRIATE THAT PARCEL OF LAND COVERED BY TRANSFER CERTIFICATE OF TITLE NUMBERED N-181080 SITUATED IN BARANGAY STO. CRISTO, FIRST DISTRICT, QUEZON CITY, FOR THE PURPOSE OF DISPOSING THE SAME TO THE OCCUPANTS THEREOF THROUGH THE COMMUNITY MORTGAGE PROGRAM.

Introduced by Councilor VICTOR V. FERRER, JR.

WHEREAS, Section 19 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, specifically empowers a local government unit to exercise the inherent power of the State to expropriate private property for public purposes:

"SECTION 19. Eminent Domain – A local government unit may, through its chief executive and acting through 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 for the taking of the property." (emphasis supplied)

WHEREAS, F. I. Ilagan writing in behalf of the HoMin Tenants Association, Inc. (IMTAI), a non-stock, non-profit corporation, composed of the residents-occupants of subject parcel of land, requested Councilor Victor V. Ferrer, Jr. to assist them in acquiring the land in which their homes are situated; quoting hereunder the following:

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" ORDER Dated November 24, 2003, of the Metropolitan Trial Court, Branch 32 - Quezon City, grants demolition of seven (7) family-occupants who are qualified voters of Sto. Cristo, Bago Bantay, Quezon City. Aforesaid ORDER violates Executive Order No. 152, since, there was no clearance from the Presidential Commission for the Urban Poor;

We need to expropriate for public welfare the above-subject property. Under Rule 67, Rules on Civil Procedure, Rule 67 is preceded by a letter of the Mayor to the owner (Amado Escaño, et. al.) xerox "A" hereof. The Mayor's letter informing the owner that this property will be purchased by the City government by expropriation will be awarded to the present occupants by its assessment value;

The letter of the Mayor to Escaño would stay the demolition of the defendants in the aforesaid MTC ORDER. It will also initiate negotiation between the City government and the owner. The tenants-occupants of the above-property is willing to pay the value hereof, through the City government. This process will effectively accomplish upon your active intercession; "

.....
(emphasis in the original)

WHEREAS, Branch 32 of the MTC in Quezon City decided the controversy between the owner of subject land and IMTAI anent right of possession thereof in favor of the former;

WHEREAS, the enactment and execution of this Resolution is perhaps IMTAI's last chance of fulfilling its objective of acquiring subject land for its members.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED, to mandate, as it does hereby mandate, the Honorable City Mayor Feliciano R. Belmonte, Jr., or his successor in office, to expropriate that parcel of land covered by Transfer Certificate of Title Numbered N-181080 situated in Barangay Sto. Cristo, First District, Quezon City, for the purpose of disposing the same to the residents-occupants thereof through the Community Mortgage Program (CMP).

RESOLVED, FURTHER, for the purpose of initiating expropriation proceedings against subject parcel of land, an offer shall be made to the present owner hereof to purchase the same at its fair market value based on its latest tax declaration through the CMP, unless said owner accepts the offer, expropriation subject land shall commence pursuant to, and in compliance with the requirements of the law.

W. G. ...

RESOLVED, FINALLY, for purposes of this Resolution, the acquisition of subject parcel of land shall be through CMP of the Housing and Land Use Regulatory Board (HLURB). Therefore, all substantive and procedural requirements of the HLURB, CMP, the law and the pertinent rules and regulations shall be complied with. Such compliance shall be the primary responsibility of the IMTAL with the assistance of the Local Government of Quezon City.

ADOPTED: February 24, 2004.



JORGE L. BANAL
President Pro-Tempore
Acting Presiding Officer


ATTESTED:



EUGENIO V. JURILLA
City Council Secretary

CERTIFICATION

This is to certify that this Resolution which was APPROVED on Second Reading on February 24, 2004 under Suspended Rules, was CONFIRMED by the City Council on the same date.



EUGENIO V. JURILLA
City Council Secretary