

04

Item No.: 04
Date: JUN 06 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
PROVINCIAL LEGAL OFFICE
2nd Indorsement
May 23, 2023

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *[Signature]*
Date: 5-25-23

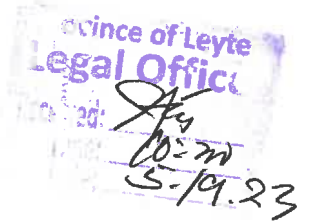
Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-04 of the SB of Tanauan, Leyte recommending for the declaration of its validity, pursuant to its power under Section 56 (c) of R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 19 (Eminent Domain) of the Code. Provided, That, All the requisites set therein are duly complied with.

[Signature]
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
18 May 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **ORDINANCE NO. 2023-04 OF THE MUNICIPALITY OF TANAUAN, LEYTE.**


FLORINDA JILLS UYVICO
Secretary to the Sanggunian

SP RECORDS
5/18



Republic of the Philippines
Province of Leyte
TANAUAN
-oOo-
OFFICE OF THE SANGGUNIANG BAYAN

May 18, 2023

THE SECRETARY

Sangguniang Panlalawigan
Province of Leyte
Capitol Building
Tacloban City

Sir/Madam:



Respectfully submitting herewith **ORDINANCE NO. 2023-04** " An Ordinance Authorizing the Municipal Mayor to Initiate Expropriation Proceedings Over a parcel of Land Located at Brgy. Maribi, Tanauan, Leyte, Designated as Lot No. 1912-I Psd-08-043756 (AR), to be used for the Construction of Housing Units for the Relocation of Families Affected by Calamities and for the Informal Settlers".

Sponsors: Hon. Paul Emmanuel R. Cinco
Hon. Cherry Anne T. Fiel
Hon. Gil Mark L. Fiel

Co-Sponsors: Hon. Mark Efren E. Merilo
Hon. Atty. Isagani S. Espada
Hon. Josie M. Creer
Hon. Jasmin U. Borja
Hon. Archie Lawrence R. Kapunan

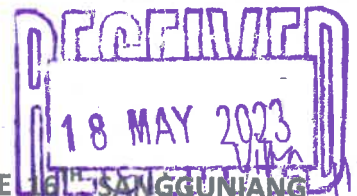
Trusting that you will accord this matter with your kindest attention.

Truly Yours,


ELEUTERIO T. LARIOS
SB Secretary

Republic of the Philippines
Province of Leyte
TANAUAN
-oOo-
16th SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN



EXCERPT FROM THE MINUTES OF 40th REGULAR SESSION OF THE 16th SANGGUNIANG BAYAN OF TANAUAN, LEYTE HELD ON APRIL 26, 2023 AT THE SB SESSION HALL, TANAUAN TOWN HALL, TANAUAN, LEYTE..

PRESENT:

HON. ARCHIE LAWRENCE R. KAPUNAN	Municipal Vice-Mayor/Presiding
HON. JAN ELMER V. MAGDALAGA	Sangguniang Bayan Member
HON. PAUL EMMANUEL R. CINCO	-do-
HON. JOSIE M. CREER	-do-
HON. ATTY. ISAGANI S. ESPADA	-do-
HON. JASMIN U. BORJA	-do-
HON. CHERRY ANNE T. FIEL	-do-
HON. MA. MARTINA L. GIMENEZ	-do-/Liga Fed. Pres.
HON. GIL MARK L. FIEL	-do-/ SK Fed. Pres.

ABSENT:

HON. MAE JANE ANGELIE M. MORABE (Maternity leave)	Sangguniang Bayan Member
HON. MARK EFREN E. MERILO (on leave)	-do-

ORDINANCE NO. 2023 – 04

AN ORDINANCE AUTHORIZING THE MUNICIPAL MAYOR TO INITIATE AN EXPROPRIATION PROCEEDINGS OVER A PARCEL OF LAND LOCATED AT BRGY. MARIBI, TANAUAN, LEYTE, DESIGNATED AS LOT NO. 1912-I Psd-08-043756 (AR), TO BE USED FOR THE CONSTRUCTION OF HOUSING UNITS FOR THE RELOCATION OF FAMILIES AFFECTED BY CALAMITIES AND FOR THE INFORMAL SETTLERS.

Sponsors:	Hon. Paul Emmanuel R. Cinco Hon. Cherry Anne T. Fiel Hon. Gil Mark L. Fiel
Co-Sponsors:	Hon. Mark Effren E. Merilo Hon. Atty. Isagani Espada Hon. Josie M. Creer Hon. Jasmin U. Borja Hon. Archie Lawrence R. Kapunan

BE IT ENACTED BY THE SANGGUNIANG BAYAN OF TANAUAN, LEYTE IN REGULAR SESSION ASSEMBLED THAT:

WHEREAS, the municipality of Tanauan is located in an area prone to hazards such as flooding, landslides, liquefaction, tsunamis and storm surges of great magnitude recently proven during the onslaught of Super Typhoon Haiyan (Yolanda), directly affecting a lot of families settled along the 7.2 coastline of the municipality;

WHEREAS, the implementation of the Tide Embankment Project of the national government and the prohibition of building or construction of any structure within fifty meters from the shorelines and riverbanks described as no-build zones made it more imperative for the local government unit of Tanauan to provide relocation for households affected thereby, including those vulnerable families with shelter needs as stated in Resolution No. 05 s. 2022 of the Local Inter Agency Committee (LIAC);

WHEREAS, for the building of housing units to be implemented by the National Housing Authority, the Local Government Unit has to provide the lot for the project as its counter-part;

WHEREAS, Section 19 of the Local Government Code 1991 provides that:

Xxx a local government may, through its chief executive and acting pursuant to an ordinance, exercise the power of eminent domain for public use, or purpose 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 may immediately take possession of the property upon filing of the expropriation proceedings and upon making a deposit with the proper court 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 xxx;

NOW THEREFORE, pursuant to the above cited Laws, the 16th Sangguniang Bayan of the Municipality of Tanauan, Leyte, in a Regular Session assembled and on motion of, **Hon. Paul Emmanuel R. Cinco**, with the unanimous accord of the members present, hereby ordains that:

Section 1. Title. This Ordinance shall be known as **“An Ordinance Authorizing the Municipal Mayor to Initiate an Expropriation Proceedings over a Parcel of Land located at Barangay Maribi, Tanauan, Leyte to be used for the Construction of Housing Units for the Relocation of Informal Settlers and Families Affected by Calamities.”**

Section 2. Factual Antecedents. Pursuant to the requisites provided under Section 49 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991, the municipality of Tanauan has complied the following:

- a. **Public Purpose.** The expansion of the Primetown IV Housing Units located in Brgy. Maribi has extended to the subject property in which the said Resettlement Project of the municipality was intended for the benefit and welfare of the poor/informal settlers and families affected by calamities;
- b. **Valid and Definite Offer.** The municipality has initiated an offer to buy the subject parcel of land based on the current Fair market Value thereof and invited the owner thereon for a negotiation through a letter dated 2 September 2021 attached herein and is made an integral part of this Ordinance;
- c. **Unaccepted Offer.** The Owner of the subject parcel of land refused to cooperate in the offer and negotiation procedure;
- d. **Just Compensation.** The municipality has signified its willingness to justly compensate the said owner to which an amount to cover the expenses for the same has been initially allocated under Supplemental

Budget No. 1 CY 2021 of the municipality and a subsequent appropriation is provided hereunder.

Section 3. Scope. Authority is hereby granted to the Municipal Mayor, on behalf of the Municipal Government of Tanauan, Leyte, by virtue of the power of eminent domain, to initiate expropriation proceedings over a parcel of land located at Barangay Maribi, Tanauan, Leyte more specifically described as *“A portion of an agricultural land to the extent of 9,492 square meters designated as Lot No. 1912-I Psd-08-043756 (AR) under Tax Declaration No. 380040-00514 R13, which the whole parcel of land is embraced by Original Certificate of Title –OC-13790 registered in the name of Paciencia Gamba Campos, et, al. in the Registry of Deeds, Province of Leyte”*, to be used for the construction of housing units for the relocation of informal settlers and families affected by calamities.

Section 4. Appropriation. The amount equivalent to the deposit fees to commence the expropriation proceedings as well as the amount to be paid for the properties as determined by the court are to be taken from the funds allocated for the Acquisition of a Portion of Land in the amount of Nine Hundred Forty Nine Thousand Two Hundred (Php 949,200.00) Pesos provided under the Supplemental Budget No. 01, Calendar Year 2021 of the municipality. Other expenses to be incurred appurtenant to the expropriation proceedings will be provided under succeeding Supplemental or Annual Budgets of the municipality.

Section 5. Effectivity. This Ordinance shall take effect immediately upon approval.

ENACTED : 26 APRIL 2023.

ATTESTED:

HON. ARCHIE LAWRENCE R. KAPUNAN
Vice Mayor/Presiding

HON. JAN ELMERY V. MAGDALAGA
SB Member

HON. JOSIE M. CREER
SB Member

HON. JASMIN U. BORJA
SB Member

HON. MA. MARTINA L. GIMENEZ
SB Member/Liga Fed. Pres.

CERTIFIED TRUE AND CORRECT:

ELEUTERIO T. LERIOS
SB Secretary

HON. PAUL EMMANUEL R. CINCO
SB Member

HON. ATTY. ISAGANI S. ESPADA
SB Member

HON. CHERRY ANNE T. FIEL
SB Member

HON. GIL MARK L. FIEL
SB Member/SK Fed. Pres.

Approved by:

HON. MA. GINA E. MERILO
Municipal Mayor

Date: 5-17-23



Republic of the Philippines
Province of Leyte
TANAUAN
-oOo-
OFFICE OF THE SANGGUNIANG BAYAN

C E R T I F I C A T I O N

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that ORDINANCE NO. 2023-04 “ An Ordinance Authorizing the Municipal Mayor to Initiate Expropriation Proceedings Over a parcel of Land Located at Brgy. Maribi, Tanauan, Leyte, Designated as Lot No. 1912-I Psd-08-043756 (AR), to be used for the Construction of Housing Units for the Relocation of Families Affected by Calamities and for the Informal Settlers.”, have been posted in the bulletin boards at the following: Entrance of the Municipal Hall, Office of the Sangguniang Bayan, and Public Market beginning May 3, 2023 and shall remain posted for a minimum of three consecutive weeks.

This certification is issued in compliance with the pertinent provisions of R.A. 7160.

Issued: May 18, 2023


ELEUTERIO T. LARIOS
SB Secretary